

ENCYCLOPÆDIA
OF
LOCAL GOVERNMENT BOARD
REQUIREMENTS
AND
PRACTICE.

VOLUME I.

ENCYCLOPÆDIA
OF
LOCAL GOVERNMENT BOARD
REQUIREMENTS
AND
PRACTICE.

BEING
AN ENCYCLOPÆDIA OF THE REQUIREMENTS AND
PRACTICE OF THE LOCAL GOVERNMENT BOARD
IN CONNECTION WITH APPLICATIONS TO THEM,
INCLUDING A SUMMARY OF THE STATUTORY
PROVISIONS GOVERNING EACH MATTER DEALT
WITH

BY
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AND
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VOL. I.
ADJUSTMENTS
to
HOUSING OF THE WORKING CLASSES.

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PREFACE.

PARLIAMENT is constantly imposing new duties and responsibilities upon Local Authorities, and, as a consequence, the occasions upon which it is necessary to correspond with the Local Government Board with a view to obtaining their sanction, consent, approval, or direction, have greatly increased. It is felt that much time and trouble might be saved in connection with such correspondence if the various officials conducting the correspondence were aware of the requirements and practice of the Local Government Board in the particular matter in question.

An attempt has been made in this work to provide Officials of Local Authorities, Engineers, Parliamentary Agents and others, with a practical guide to those requirements.

The work is divided into Parts, each of which deals with a particular subject. The book is not intended in any sense as a legal text-book, but a summary of the legislation affecting the particular subject is given at the commencement of each Part, and a reference has been inserted to the text-book dealing with the branch of law concerned.

In many cases where formal notices and petitions, statutory declarations, and affidavits are required, forms for such notices, etc., have been included, which it is hoped will prove of service.

A considerable amount of information not strictly connected ;

with procedure in relation to applications is incorporated in the book in the belief that it will prove useful to Local Authorities in their consideration of the matters dealt with.

No pains have been spared, by the examination of the Board's Annual Reports, and by reference to other available sources, to ensure the completeness and reliability of the instructions and information contained in the book.

June, 1908.

A. E. W.

T. R. J.

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19 & Act of 1890 as amended by the Act of 1907, the borrow-
20 & the county council for the purpose of such transfer
s will be governed by s. 4 of the Act of 1890, and the
y council will accordingly be able to borrow, subject to
nditions, in the manner, and on the security of the rate,
22 st to, in, and on the security of which the defaulting
23 rity might have borrowed under the Act of 1887.

to the borrowing of money by an urban authority for the
 24 uses of the Allotments Act, 1887, the necessity for obtain-
 ing the sanction of the Local Government Board, the limitation
 of borrowing power, and the security on which the loan is to
 be raised, see the remarks, *supra*, as to *Town Councils and*
 25 *Urban Sanitary Authorities*.

to the borrowing of money by parish councils, see

By virtue of s. 12 (2) of the Local Government Act of 1894, county council are empowered to lend to a parish council money which the parish council are authorised to borrow for allotment purposes, and if necessary without the sanction of the Local Government Board, and irrespectively of any conditions of borrowing to raise the money by loan, subject to the provisions of that sub-section.

22 s. 20 (5) of the Act of 1907, ss. 242 and 243 of the
23 & Health Act, 1875, are applied with the necessary adapta-
24 a county council lending money to a parish council
25 in the Act of 1894, where the purpose for which the loan
26 is made by the parish council is the acquisition, improve-
27 ment, or adaptation of land under the Allotments Acts.

RISH COUNCILS.—A parish council may, under s.12 (1) Local Government Act, 1894, with the consent of the county council and the Local Government Board, borrow money for any permanent work or other thing which they are to execute or do, and the cost of which ought, in the opinion of the county council and the Local Government Board, to be paid over a term of years. By virtue of this enactment, parish councils are, subject to the statutory consents and

restrictions, empowered to borrow money for the acquisition, improvement and adaptation of land under the Allotments Act.

In addition to the consents of the county council and the Local Government Board, the consent of the parish meeting is also required under s. 11 (1) of the Act of 1894 to the incurring by a parish council of expenses or liabilities which will involve a loan.

The borrowing power is to be exercised in like manner and subject to the like conditions as a local authority may borrow for defraying expenses incurred in the execution of the Public Health Acts, and ss. 233, 234, and 236—239 of the Public Health Act, 1875, are to apply accordingly, except that the money is to be borrowed on the security of the poor rate and of the whole or part of the revenues of the parish council.

Section 20 (4) of the Act of 1907 provides that money borrowed by a parish council for allotment purposes shall not be reckoned as part of the debt of the parish for the purpose of the limitation on borrowing under s. 12 of the Act of 1894, and by sub-section (5) of the same section, ss. 242 and 243 of the Public Health Act, 1895, are applied with the necessary adaptation to a loan for a parish council for allotment purposes.

Periods for repayment of Loans.—The *maximum* period which can be allowed under the general law for the repayment of loans for purposes of allotments is sixty years [s. 234 (2) of the Public Health Act, 1875].

The Report of the Select Committee on Repayment of Loans (1902), shows that the periods usually allowed by the Local Government Board for the repayment of loans sanctioned by them for purposes of allotments are :

Purchase of land (freehold)	-	-	60 years	
Laying out, etc.	-	-	20	taken

Loans sanctioned by Local Government Board
had been sanctioned by the Board to the under-mentioned

authorities for purposes of allotments up to December 31st, 1906:

I.—COUNTY COUNCILS.

(Acting in substitution for sanitary authorities under s. 2 of the Allotments Act, 1890.)

County Council.	Rural District.	Contributory Place on which Loan charged.	Year.
Holland, Parts of .	Boston . . .	Pelhams Land . . .	1894
" " .	" " .	Wigtoft . . .	1895
" " .	Holbeach (now East Elloe) . . .	Whaplode . . .	1894
" " .	Spalding . . .	Gosberton . . .	1894
Lindsey, Parts of .	Glanford Brigg .	Messingham . . .	1892
Norfolk . . .	Mitford and Launditch . . .	Shipdam . . .	1894
" . . .	Saint Faith's . .	Horsham St. Faith and Newton St. Faith .	1894
Southampton .	New Forest . . .	St. Mary Eling Special Drainage District .	1893
Warwick . . .	Foleshill . . .	Keresley . . .	1894

Note.—There is no mention in the Annual Reports of the Local Government Board of any loan sanctioned to a county council acting in substitution for the council of an urban district.

II.—TOWN COUNCILS AND URBAN DISTRICT COUNCILS.

C.B. = County Borough. B. = Borough. U.D. = Urban District other than a Borough.

Borough or District.		Administrative County.	Year.
Aivaston and Boulton .	U.D.	Derby	1896, 1900
Barking Town . . .	U.D.	Essex	1896
Barry	U.D.	Glamorgan	1897, 1903
Brighton	C.B.	"	1900, 1903
Bromsgrove	U.D.	Worcester	1901
Caversham	U.D.	Oxford	1900
Charlton Kings . . .	U.D.	Gloucester	1892
Cheltenham	B.	"	1890
Croydon	C.B.	"	1893, 1894, 1899, 1902, 1904
Darfield	U.D.	Yorks (West Riding) . . .	1897
Dover	B.	Kent	1897
Edmonton	U.D.	Middlesex	1894
Enfield	U.D.	"	1893
Faversham	B.	Kent	1896
Great Harwood . . .	U.D.	Lancaster	1893
Hendon	U.D.	Middlesex	1890
Hertford	B.	Hertford	1904
Heston and Isleworth .	U.D.	Middlesex	1900

C.I.—TOWN COUNCILS AND URBAN DISTRICT COUNCILS—continued.

Borough or District.	Administrative County.	Year.
Holbechen	U.D.	Derford 1894
Holbeach	U.D.	Parts of Holland 1899, 1899
		1904
Long Eaton	U.D.	Derby 1900
Maidstone	B.	Kent 1896
Manchester	C.B.	1900
Newhaven	U.D.	East Sussex 1890
North Bromsgrove	U.D.	Worcester 1897, 1898
Padiham	U.D.	Lancaster 1899
Penrith	U.D.	Cumberland 1903
Rawmarsh	U.D.	Yorks (West Riding) 1899
Rishton	U.D.	Lancaster 1896
Scarborough	B.	Yorks (North Riding) 1895
Smethwick	B.†	Stafford 1905
Spalding	U.D.	Parts of Holland 1906
Surbiton	U.D.	Surrey 1902
Sutton	U.D.	" 1902
Sutton Coldfield	B.	Warwick 1896
Swindon	B.	Wilts 1895, 1900,
		1903
Tettenhall	U.D.	Stafford 1897
Wallasey	U.D.	Chester 1906
Wallsend	U.D.*	Northumberland 1901
Walsall	C.B.	1900, 1903
		1906
West Hartlepool	B.†	Durham 1897, 1902,
		1904
Withington	U.D.†	Lancaster 1900, 1901
Worcester	C.B.	1895
Yeovil	B.	Somerset 1890, 1891,
		1899

* Since constituted a borough. † Since constituted a county borough.

‡ Now included in the city of Manchester.

III.—RURAL DISTRICT COUNCILS.

Note.—See also Table I., County Councils.

Rural District.	Administrative County.	Contributory Place on which Loan Charged.	Year.
Branton	Parts of Kesteven	Navenby	1897
Bromley	Kent	Foots Cray*	1899
Chertsey	Surrey	Chertsey*	1894
Chipping Sodbury	Gloucester	Abson-with-Wick	1893, 1905
Cricklade and Wootton Bassett	Wilts	Cricklade St. Mary	1889
" " "	"	Cricklade St. Sampson	1889
Crowland	Parts of Holland	Crowland	1896, 1899
Croydon	Surrey	Beddington	1893
"	"	Mitcham	1889
"	"	Wallington	1888, 1893

* Since constituted an urban district.

III.—RURAL DISTRICT COUNCILS—*continued.*

Rural District.	Administrative County.	Contributory Place on which Loan Charged.	Year.
East Stow . . .	East Suffolk . . .	Buxhall	1892
" . . .	" . . .	Old Newton with Dagworth	1895
Holbeach . . .	Parts of Holland . . .	Sutton St. Edmunds	1892
" . . .	" . . .	Whaplode	1889
Lincoln . . .	Parts of Kesteven . . .	Bardney	1894
Luton . . .	Bedford	Kensworth	1892, 1894
Market Bosworth . . .	Leicester	Ibstock	1883
Marshland . . .	Norfolk	Clenchwarton	1891
" . . .	" . . .	Upwell (Norfolk)	1894
Mere . . .	Dorset	Bourton	1891 .
Pattrington . . .	Yorks (East Riding) . . .	Paull	1893
Sleaford . . .	Parts of Kesteven . . .	Billingham	1892
" . . .	" . . .	North Kyme	1894
Spalding . . .	Parts of Holland . . .	Gosberton	1905
Spilsby . . .	Parts of Lindsey . . .	Wainfleet All Saints	1894, 1898
Tewkesbury . . .	Gloucester	Deerhurst	1892
Welton . . .	Parts of Lindsey . . .	Denholme	1896
Wisbech . . .	Isle of Ely	Upwell (Cambs).	1894
Yardley . . .	Worcester	Yardley	1904

IV.—PARISH COUNCILS.

Parish Council.	Administrative County.	Year.
Broughton	Northampton	1896
Cockfield	Durham	1896
Glasshoughton	Yorks (W. R.)	1900, 1902, 1906
Marshfield	Monmouth	1896
Read	Lancaster	1896
Saint Bride's Major	Glamorgan	1897
Shutford West	Oxford	1897, 1898
The Lea	Wilts	1898
Tydd St. Mary	Parts of Holland	1899

Applications for sanction to loans.—COUNTY COUNCILS.—An application by a county council (acting by virtue of s. 2 (2) of the Allotments Act, 1890, as amended by the Act of 1907, in substitution for a defaulting council) for the sanction of the Local Government Board to the borrowing of money for the purpose of providing allotments, should be accompanied by the following particulars:

- (1) A copy of a resolution of the county council directing the application to be made (a);

(a) See also "RESOLUTIONS," p. 8.

- (2) A copy of the resolution of the county council under s. 2 (2) of the Act of 1890;
- (3) A map of the district or parish (as the case may be), distinguishing by colour the position of the land, and a plan showing how the land is to be laid out (a);
- (4) A detailed estimate of the cost of the scheme (b);
- (5) A statement (in the form of a balance sheet) of the estimated annual receipts and expenditure in respect of the allotments to be provided (c); and
- (6) Information as to whether a provisional agreement has been entered into for the acquisition of the land.

TOWN COUNCILS AND OTHER URBAN DISTRICT COUNCILS.—An application by any such council for the sanction of the Local Government Board to a loan for purposes of allotments should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made (d);
- (2) A map of the district, distinguishing by colour the position of the land, and a plan of the land showing how it is to be laid out (a);
- (3) A detailed estimate of the cost of the scheme (b);
- (4) A statement (in the form of a balance sheet) of the estimated annual receipts and expenditure in respect of the allotments;

(a) See also "PLANS," p. 6.

(b) See also "ESTIMATES," p. 4.

(c) See p. 22 as to the expenses referred to in s. 2 (2) of the Allotments Act, 1887.

(d) See also "RESOLUTIONS," p. 8.

- (5) Information as to whether a provisional agreement has been entered into for the acquisition of the land ; and
- (6) Particulars (in Form K., No. 2) as to the assessable value and existing debt of the district (*a*).

PARISH COUNCILS.—An application to the Local Government Board by a parish council for consent to borrow money for the purpose of improving and adapting land for allotments should be accompanied by—

- (1) A copy of a resolution of the parish council directing the application to be made (*b*) ;
- (2) A copy of the document conveying the consent of the county council to the loan ;
- (3) A copy of the resolution of the parish meeting (signed by the chairman) consenting to the parish council incurring the expenses and liabilities which involve the loan. If a poll was demanded, the result of such poll should be stated ;
- (4) A map of the parish, distinguishing by colour the position of the land, and a plan showing how the land is to be laid out (*c*) ;
- (5) A detailed estimate of the cost of the scheme (*d*) ;
- (6) A statement (in the form of a balance sheet) of the estimated annual receipts and expenditure in respect of the allotments ;
- (7) Information as to how the land has been, or is proposed to be acquired ; and
- (8) Particulars (in Form K., No. 100) (*a*) as to the rateable value and existing debt of the parish.

C.—PARLIAMENTARY PAPERS (*e*).

The following returns are some of the more important Parliamentary Papers which have been issued on the subject of allotments (*f*) :

- (*a*) See also "FORMS," p. 5.
- (*b*) See also "RESOLUTIONS," p. 8.
- (*c*) See also "PLANS," p. 6.
- (*d*) See also "ESTIMATES," p. 4.
- (*e*) As to how such papers may be obtained, see Part XLVI., "PARLIAMENTARY AND OTHER PAPERS."
- (*f*) See also under Part LXI., "SMALL HOLDINGS,"

- (i) RETURN relating to allotments detached from, and attached to, cottages in each county in Great Britain, showing the number of agricultural labourers, farm servants, and cottagers, the acreage in classes, average rent, average distance from cottages, and nature of tenure; with a summary relating to agricultural holdings, etc. [*Cd.* 4,848. 1886. *Price* 6*d.*]
- (ii) RETURN relating to allotments detached from, and attached to, cottages in each union or parish in England and Wales, and in each parish and county in Scotland, showing the acreage in classes, average rent, average distance from cottages, nature of tenure, etc. [*Cd.* 4,974. 1887.]
- (iii) RETURN of allotments and small holdings in Great Britain. [*Cd.* 6,144. 1890.]
- (iv) RETURN prepared by the Local Government Board, dated June 17th, 1892, “of the number of instances in which (1) rural sanitary authorities under the provisions of the Allotments Act, 1887, and (2) county councils under the provisions of the Allotments Acts, 1887 and 1890, have acquired land for allotments by (1) compulsory purchase; (2) purchase by agreement; (3) hire by agreement; showing, in each case, the parish within which such land has been acquired, the acreage, and the number of tenants to whom allotments have been let under the Act:

“And, of the rural sanitary authorities who have not taken land for allotments, and, in each case, the reasons why the authority have not provided land for the purpose, whether in consequence of their deeming it unnecessary to do so or otherwise.”—MR. CHANNING.
[*No.* 310. 1892. *Price* 4½*d.*]

It appears from this return that land for allotments had been acquired by four county councils and fifty-six rural sanitary authorities. The total acreage of the land so acquired was, at the date of the return, 1,207A. 0R. 28P., and the total number of tenants to whom land was let was 2,891.

The number of rural sanitary authorities who had not acquired land for allotments was 518, and, in most of these cases, it appeared that allotments had been provided voluntarily by landowners under private arrangements or that no applications or representations had been made to the authority under the Act of 1887.

- (v) REPORT of the Departmental Committee appointed by the Chancellor of the Duchy of Lancaster to inquire as to the best method of encouraging the increase of allotments upon the lands belonging to the Duchy. [No. 122. 1894. *Price 1d.*]

- (vi) RETURN prepared by the Local Government Board, dated August 27th, 1895, "of the number of instances in which, prior to December 28th, 1894, (1) rural sanitary authorities under the provisions of the Allotments Act, 1887, and (2) county councils under the provisions of the Allotments Acts, 1887 and 1890, had acquired land for allotments by (1) compulsory purchase; (2) purchase by agreement; and (3) hire by agreement; showing in each case the parish within which such land has been acquired, the acreage, and number of tenants to whom allotments have been let under the Acts."—MR. CHANNING. [No. 438. *Sess. 2, 1895. Price 1d.*]

This return shows that, prior to December 28th, 1894 (the date on which rural sanitary authorities were superseded by rural district councils), land for allotments had been acquired by twelve county councils and eighty-three rural sanitary authorities. The total acreage of the land so acquired was 2,249A. 2R. 39P.; and the allotments were let to 5,536 tenants. The number of rural sanitary authorities who did not acquire land for the purpose during the period to which the return refers was 490.

- (vii) RETURN prepared by the Local Government Board dated February 8th, 1898, "of the number of instances in which, between December 27th, 1894, and June 24th, 1897, local authorities acquired land for allotments

and small holdings by (1) compulsory purchase; (2) purchase by agreement; (3) compulsory hiring; (4) hiring by agreement, showing in each case the parish in which such land has been acquired; the acreage and number of tenants to whom allotments and small holdings are let under the Acts; and of the cases in which parish councils have, prior to June 24th, 1897, under the Local Government Act, 1894, acquired by purchase or hiring land for purposes other than allotments, showing in each case the quantity of land purchased or hired, and the purpose for which it has been acquired."—Mr. HAZELL. [No. 17. 1898. *Price* 5½*d.*]

It would appear from this return that, between December 27th, 1894, and June 24th, 1897, land for allotments was acquired by :

- 3 county councils ;
- 3 councils of county boroughs ;
- 120 other town councils and urban district councils ;
- 9 rural district councils ;
- 1,009 parish councils ;
- 4 parish meetings (*a*) ;
- 1 metropolitan vestry (*b*).

The total acreage of the land so acquired was 14,818A. 1R. 16R., and the allotments were let to 32,663 tenants.

During the period referred to, land for allotments was not acquired by :

- 61 county councils ;
- 61 councils of county boroughs ;
- 963 other town councils and urban district councils ;
- 692 rural district councils ;
- 6,361 parish councils ;
- 5,733 parish meetings.

(viii) RETURN prepared by the Local Government Board, dated May 28th, 1903, " showing (*a*) the number of

(*a*) The parish meetings in these cases had presumably been invested by the county council under s. 19 (10) of the Local Government Act, 1894, with the powers of a parish council with respect to allotments.

(*b*) Charlton-next-Woolwich. This vestry had been invested by an Order of the Local Government Board under s. 33 of the Local Government Act, 1894, with the powers of a parish council under s. 10 of that Act as to the hiring of land for allotments.

instances in which, between June 24th, 1897, and March 31st, 1902, local authorities acquired land for allotments and small holdings by (1) compulsory purchase; (2) purchase by agreement; (3) compulsory hiring; (4) hiring by agreement; and in each case the parish in which such land has been acquired; the acreage; and the number of tenants to whom the allotments and small holdings are let under the Acts:

“(b) The number of cases in which parish councils, between the same dates, acquired by purchase or hiring land for other purposes than allotments; and in each case the quantity of land and the purpose for which it was acquired:

“(c) The number of cases in which, between the dates mentioned, (1) representations were made by parish councils to county councils under s. 10 (1) of the Local Government Act, 1894, with regard to the hiring of land compulsorily for allotments; (2) orders were made by county councils on such representations; (3) such orders were confirmed or disallowed by the Local Government Board.”—*SIR WALTER FOSTER. [No. 182. 1903. Price 4d.]*

It appears from this return that during the period in question, land for allotments was acquired by:

12 councils of county boroughs;
16 councils of other boroughs;
63 urban district councils;
8 rural district councils;
219 parish councils;
5 parish meetings;
1 metropolitan borough council.

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The total acreage of the land so acquired was 3,783a. 2r. 0p., and the allotments were let to 12,730 tenants.

(ix) MEMORANDUM of evidence contained in Parliamentary Papers as to the demand for allotments and small holdings, and as to the difficulty of obtaining land for these purposes. [*Cd.* 3468. 1907. *Price 2d.*]

PART IV.—ARBITRATIONS.

I.—UNDER THE PUBLIC HEALTH ACT, 1875.

Statutory provisions.—The provisions of this Act with respect to arbitrations are contained in ss. 179—181, which are in the following terms :

“179. In case of dispute as to the amount of any compensation to be made under the provisions of this Act (except where the mode of determining the same is specially provided for), and in case of any matter which by this Act is authorised or directed to be settled by arbitration, then, unless both parties concur in the appointment of a single arbitrator, each party shall appoint an arbitrator to whom the matter shall be referred.

“180. With respect to arbitrations under this Act, the following regulations shall be observed ; (that is to say,)

“(1) Every appointment of an arbitrator under this Act when made on behalf of the local authority shall be under their common seal, and on behalf of any other party under his hand, or if such party be a corporation aggregate under their common seal :

“(2) Every such appointment shall be delivered to the arbitrators, and shall be deemed a submission to arbitration by the parties making the same :

“(3) After the making of any such appointment the same shall not be revoked without the consent of both parties, nor shall the death of either party operate as a revocation :

“(4) If for the space of fourteen days after any matter by this Act authorised or directed to be settled by arbitration has arisen, and notice in writing by one party who has duly appointed an arbitrator has been given to the other party, stating the matter

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopedia of Local Government Law," vol. i. pp. 503—538. "Encyclopedia of Forms and Precedents," vol. x. pp. 259—285. "Redman's Law of Arbitrations and Awards."

“to be referred, and accompanied by a copy of such
 “appointment, the party to whom notice is given
 “fails to appoint an arbitrator, the arbitrator ap-
 “pointed by the party giving the notice shall be
 “deemed to be appointed by and shall act on behalf
 “of both parties :

“(5) If before the determination of any matter so referred
 “any arbitrator dies or refuses or becomes incapable
 “to act, the party by whom such arbitrator was
 “appointed may appoint in writing another person
 “in his stead; and if such party fails so to do for
 “the space of seven days after notice in writing from
 “the other party in that behalf, the remaining
 “arbitrator may proceed ex parte; and every arbi-
 “trator so appointed shall have the same powers and
 “authorities as were vested in the arbitrator in whose
 “stead the appointment is made :

“(6) If a single arbitrator dies or becomes incapable to act
 “before the making of his award, or fails to make
 “his award within twenty-one days after his appoint-
 “ment, or within such extended time, if any, as may
 “have been duly appointed by him for that purpose,
 “the matters referred to him shall be again referred
 “to arbitration under the provisions of this Act, as if
 “no former reference had been made :

“(7) Where there is more than one arbitrator, the arbitrators
 “shall, before they enter on the reference, appoint by
 “writing under their hands an umpire, and if the
 “person appointed to be umpire dies or becomes
 “incapable to act, the arbitrators shall forthwith
 “appoint another person in his stead; and if the
 “arbitrators neglect or refuse to appoint an umpire
 “for seven days after being requested so to do by
 “any party to the arbitration, the Local Government
 “Board shall, on the application of any such party,
 “appoint an umpire :

“(8) If the arbitrators fail to make their award within
 “twenty-one days after the day on which the last
 “of them was appointed, or within such extended
 “time (if any) as may have been duly appointed by
 “them for that purpose, the matters referred shall be
 “determined by the umpire :

“(9) The time for making an award by arbitrators under
 “this Act shall not in any case be extended beyond
 “the period of two months from the date of the sub-
 “mission, and the time for making an award by an
 “umpire under this Act shall not in any case be
 “extended beyond the period of two months from the
 “date of the reference of the matters to him :

“(10) Before any arbitrator or umpire enters on a reference
 “under this Act he shall make and subscribe the
 “following declaration before a justice of the peace ;
 “(that is to say,)

““I A.B. do solemnly and sincerely declare that
 ““I will faithfully and honestly, and to the best of
 ““my skill and ability, hear and determine the
 ““matters referred to me under the Public Health
 ““Act, 1875.

A.B.’

“(11) Such declaration shall be annexed to the award when
 “made ; and any arbitrator or umpire who wilfully
 “acts contrary to such declaration shall be guilty of
 “a misdemeanour :

“(12) Any arbitrator arbitrators or umpire appointed by
 “virtue of this Act may require the production of
 “such documents in the possession or power of either
 “party as they or he may think necessary for
 “determining the matters referred, and may examine
 “the parties or their witnesses on oath :

“(13) The costs of and consequent upon the reference shall
 “be in the discretion of the arbitrator or arbitrators,
 “or (in case the matters referred are determined by
 “an umpire) of the umpire :

“(14) Any submission to arbitration under the provisions of
 “this Act may be made a rule of any of the superior
 “courts, on the application of any party thereto :

“(15) The award of arbitrators or of an umpire under this
 “Act shall be final and binding on all parties to the
 “reference.”

“181. All questions referable to arbitration under this Act
 “may, when the amount in dispute is less than twenty pounds,
 “be determined at the option of either party before a court of
 “summary jurisdiction, but the court may, if it thinks fit,

“require that any work in respect of which the claim of the local authority is made and the particulars of the claim be reported on to them by any competent surveyor, not being the surveyor of the local authority; and the court may determine the amount of costs incurred in that behalf, and by whom such costs or any part of them shall be paid.”

Jurisdiction of Local Government Board.—The jurisdiction of the Local Government Board in regard to arbitrations under the Public Health Act, 1875, is limited to the appointment of an umpire in the circumstances mentioned in s. 180 (7). The enactments cited are supplemented by the Arbitration Act, 1889 (52 & 53 Vict. c. 49), but the provisions of that Act do not affect the procedure under the Act of 1875, with respect to the appointment of an umpire by the Local Government Board.

It will be noticed that, under s. 180 (7) of the last-mentioned Act, the Local Government Board can only appoint an umpire upon the application of one of the parties to the arbitration and where the arbitrators have neglected or refused to appoint an umpire for seven days after being requested to do so by any such party. It would apparently not be competent to one of the arbitrators to make such an application.

The Local Government Board have expressed the opinion that, unless the request to the arbitrators to appoint an umpire is made before the expiration of the period within which the arbitrators can make an award [as to which, see s. 180 (8), (9)], the arbitrators would not be legally in a position to act on such request, and no such neglect or refusal to appoint will then be possible on their part as will enable the Board to appoint an umpire.

Application to Local Government Board to appoint umpire.—An application to the Local Government Board to appoint an umpire under s. 180 (7) of the Public Health Act, 1875, should be accompanied by—

- (1) A copy of the appointments of the arbitrators by both parties to the arbitration;
- (2) A copy of the request to the arbitrators to appoint an umpire; and

- (3) Evidence of the neglect or refusal of the arbitrators to appoint an umpire for seven days after the request was made.

II.—UNDER THE LUNACY ACT, 1891.

Statutory provisions.—Sections 13 and 14 of this Act (54 & 55 Vict. c. 65) enact as follows:

“13.—(1) Where under section two hundred and forty-six of the principal Act (a), a borough ceases to be a local authority under that Act, the borough shall for all purposes of that Act be annexed to and treated as part of the county in which the borough is situate, and if or so far as the borough has not contributed towards the expense of providing the asylum of the county, a sum to be paid by the borough towards the expenses already incurred in providing the asylum shall be fixed by agreement between the councils of the county and borough, or in default of agreement by an arbitrator appointed by the parties, or, if the parties cannot agree upon an arbitrator, by an arbitrator appointed by the Local Government Board. In fixing the sum to be paid by the borough, the borough shall be credited with any sums already contributed by the borough for lunacy purposes in excess of its legal liability; and the arbitrator shall take into consideration the amounts that may have been paid by the borough for the reception or maintenance, in the asylum of the county, of the lunatics of the borough.

“(2) Where a borough had before the passing of this Act, by virtue of section eighty-six of the Local Government Act, 1888, and the determination of any contract, become liable to contribute to the county rate of the county in respect of a lunatic asylum, this section shall apply to such borough as if it had immediately after the passing of this Act ceased under section two hundred and forty-six of the principal Act, to be a local authority.”

“14. Any question relating to lunatic asylums or the maintenance of lunatics arising between any local authorities under the principal Act and any boroughs not being local authorities under that Act, and any visiting committees or any two or more of such parties respectively, may be referred

(a) The Lunacy Act, 1890 (53 Vict. c. 5).

“to an arbitrator appointed by the parties, or, if the parties cannot agree upon an arbitrator, by the Local Government Board.”

Application to Local Government Board to appoint arbitrator.—It will be seen that the Local Government Board are only empowered to appoint an arbitrator under either of these enactments if the parties cannot agree upon an arbitrator.

Accordingly, an application to the Board to appoint an arbitrator under these enactments should be accompanied by evidence showing that an attempt has been made to appoint an arbitrator, but that the parties cannot agree as to the person to be appointed. A copy of the correspondence between the parties on the subject will probably afford the necessary evidence on this point.

In some cases it may be found desirable to so frame the application that any arbitrator who may be appointed could proceed under either section, as might be most convenient. A full statement of the facts of the case should be embodied in the application, which should formally request the Local Government Board to appoint an arbitrator.

The application should, if possible, be made on behalf of all of the parties concerned, although it is not essential that the application should be a joint one. It is, however, improbable that the Board would proceed to appoint an arbitrator on the application of one of the parties without first communicating with the other party or parties concerned for the purpose of obtaining their observations in regard to the application.

III.—UNDER OTHER PUBLIC GENERAL STATUTES.

Applications to Local Government Board to appoint arbitrators.—The Local Government Board are empowered to appoint arbitrators under various other enactments of the general law, such as, for instance—

Section 3 (4) of the ALLOTMENTS ACT, 1887 ;

Section 32 of the LOCAL GOVERNMENT ACT, 1888 ;

Section 62 (2) of the LOCAL GOVERNMENT ACT, 1888;

Paragraph (4) of the Second Schedule of the HOUSING OF THE WORKING CLASSES ACT, 1890;

SECTION 41 of the HOUSING OF THE WORKING CLASSES ACT, 1890; and

Section 7 of the HOUSING OF THE WORKING CLASSES ACT, 1900.

Applications to the Local Government Board for the appointment of arbitrators under the enactments mentioned are dealt with in other parts of this book; and the particulars mentioned as being required in connection with such applications and those herein dealt with, will sufficiently indicate the nature of the information which should be furnished in any other cases.

PART V.—AUDIT OF ACCOUNTS.

Statutory provisions.—The principal statutory provisions of the general law relating to the audit of the accounts of local authorities in England and Wales and their officers, etc., are contained in the under-mentioned enactments :

POOR LAW AMENDMENT ACT, 1844 (7 & 8 Vict. c. 101), ss. 32—36, 59.

POOR LAW AUDIT ACT, 1848 (11 & 12 Vict. c. 91), ss. 4, 5, 7—9.

POOR LAW AMENDMENT ACT, 1849 (12 & 13 Vict. c. 103), ss. 9, 11.

POOR LAW AMENDMENT ACT, 1866 (29 & 30 Vict. c. 113), ss. 6, 7, 13.

METROPOLITAN POOR ACT, 1867 (30 & 31 Vict. c. 6), ss. 33, 34.

PUBLIC HEALTH ACT, 1875 (38 & 39 Vict. c. 55), ss. 245—250.

DIVIDED PARISHES AND POOR LAW AMENDMENT ACT, 1876 (39 & 40 Vict. c. 61), s. 38.

DISTRICT AUDITORS ACT, 1879 (42 Vict. c. 6).

MUNICIPAL CORPORATIONS ACT, 1882 (45 & 46 Vict. c. 50), ss. 25—28, 146.

LOCAL AUTHORITIES (EXPENSES) ACT, 1887 (50 & 51 Vict. c. 72).

LOCAL GOVERNMENT ACT, 1888 (51 & 52 Vict. c. 41), ss. 71, 73, 81 (6), and SECOND SCHEDULE.

ISOLATION HOSPITALS ACT, 1893 (56 & 57 Vict. c. 68), s. 25.

LOCAL GOVERNMENT ACT, 1894 (56 & 57 Vict. c. 73), s. 58.

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopedia of Local Government Law," vol. i. pp. 4—111; vol. iii. pp. 249—256.

LONDON GOVERNMENT ACT, 1899 (62 & 63 Vict. c. 14), s. 14.

EDUCATION ACT, 1902 (2 Edw. 7, c. 42), s. 18 (3).

Accounts audited by district auditors.—The accounts of the following public bodies are subject to audit by district auditors who are appointed by the Local Government Board with the sanction of the Treasury under s. 4 of the District Auditors Act, 1879:

BOARDS OF MANAGEMENT OF POOR LAW ASYLUM and SCHOOL DISTRICTS.

COUNTY COUNCILS.

GUARDIANS.

ISLES OF SCILLY, council of.

ISOLATION HOSPITAL COMMITTEES under Isolation Hospitals Acts.

JOINT BOARDS for SANITARY PURPOSES.

JOINT COMMITTEES OF COUNTY COUNCILS.

JOINT COMMITTEES under Local Government Act, 1894.

JOINT COMMITTEES OF GUARDIANS.

LANCASHIRE ASYLUMS BOARD.

LANCASHIRE INEBRIATES ACTS BOARD.

LOCAL EDUCATION AUTHORITIES.

LOCAL FISHERIES COMMITTEES.

METROPOLITAN WATER BOARD.

OVERSEERS.

PARISH COUNCILS.

PARISH MEETINGS.

PORT SANITARY AUTHORITIES.

RURAL DISTRICT COUNCILS.

URBAN DISTRICT COUNCILS other than TOWN COUNCILS.

VISITING COMMITTEES of County Lunatic Asylums.

CERTAIN OTHER AUTHORITIES of a special character.

The accounts of town councils generally are audited by borough auditors appointed under s. 25 of the Municipal Corporations Act, 1882; but there are some exceptions, among

which the following may be instanced, where the accounts are subject to audit by the district auditors appointed by the Local Government Board :

- (i) The accounts of the BOROUGHs of BOURNEMOUTH, CHELMSFORD, CHELTENHAM, MERTHYR TYDFIL, PLYMOUTH, POOLE, SOUTHEM-ON-SEA, SWINDON, and TUNBRIDGE WELLS. The accounts in these cases were made subject to such audit by special provisions in local Acts or Provisional Orders.
- (ii) Accounts of receipts and expenditure under the Education Act, 1902 [s. 18 (3)].
- (iii) Accounts of joint committee appointed by a town council with another council, not being a town council [Local Government Act, 1894, s. 58 (2)].

General Orders of Local Government Board.—The following is a list of Orders of the Local Government Board of general application containing regulations in regard to the forms or audit of accounts audited by district auditors or prescribing the form of financial statement to be submitted pursuant to s. 3 of the District Auditors Act, 1879 :

Accounts.	Date of Order.	Subject.
Boroughs of which the councils <i>are</i> Local Education Authorities.	April 9, 1904	Financial Statement.
Boroughs of which the councils <i>are not</i> Local Education Authorities.	March 9, 1906	Financial Statement.
County Councils (except London)	June 9, 1904	Financial Statement.
" "	1891, 1897 and 1901.	Stock Regulations.
" "	April 5, 1902	Abstract of Stock and Redemption Fund Accounts.
County Lunatic Asylums: visiting committees (except co. Lancaster).	Sept. 15, 1892	Financial Statement.
Dietaries. See Workhouse.		
Guardians. See Poor Law Unions.		
Isolation Hospital Committees .	Aug. 22, 1899	Accounts.
" " " " .	June 2, 1903	Financial Statement.
Joint Cemetery Boards . .	Dec. 23, 1892	Financial Statement and Accounts.
" "	July 31, 1895	Amending above Order as to date for closing Accounts.

Accounts.	Date of Order.	Subject.
Joint Committees of District Councils, or of District Councils and Parish Councils or Parish Meetings.	July 26, 1895	Notice of Audit and Report on Accounts.
Joint Committees of Parish Councils or Parish Meetings, or of Parish Councils and Parish Meetings.	May 20, 1895	Notice of Audit and Report on Accounts.
Joint Committees appointed by any combination of District Councils, Parish Councils or Parish Meetings.	April 26, 1900	Notice of Audit and Deposit of Accounts.
Joint Committees appointed under s. 53 of the Local Government Act, 1894, for purposes of the Burial Acts.	April 29, 1902	Financial Statement.
Joint Committees appointed for purposes other than those of the Burial Acts.	April 27, 1900	Financial Statement.
Joint Hospital Boards	Dec. 23, 1892	Financial Statement and Accounts.
" " "	July 31, 1895	Amending above Order as to date for closing Accounts.
Joint Sewerage or Drainage Boards	Dec. 23, 1892	Financial Statement and Accounts.
" " "	July 31, 1895	Amending above Order as to date for closing Accounts.
Joint Water Boards or Committees	Dec. 23, 1892	Financial Statement and Accounts.
" " "	July 31, 1895	Amending above Order as to date for closing Accounts.
Metropolitan Borough Councils .	Mar. 26, 1901	Forms of Rate Books and Accounts and Demand Note (a).
" " "	June 30, 1902	Financial Statement.
Overseers	Sept. 8, 1903	Date for closing Accounts. New Form of Balance Sheet.
Parish Councils	May 20, 1895	Notice of Audit and Report on Accounts.
" "	April 20, 1900	Financial Statement and Notice of Audit and Deposit of Accounts.
Parish Meetings	May 20, 1895	Notice of Audit and Report on Accounts.
" "	Mar. 22, 1898	Financial Statement and Notice of Audit and Deposit of Accounts.
Poor Law Unions	Jan. 14, 1867	Accounts and Audit.
	Feb. 16, 1869	Amending above Order.
	Mar. 3, 1869	Amending above Order.

(a) This Order is known as the London (Rate Collection) Accounts Order, 1901.

Accounts.	Date of Order.	Subject.
Poor Law Unions (metropolitan)	Dec. 12, 1890	Financial Statement and Loan Account.
" " (non-metropolitan)	April 28, 1890	Financial Statement and Loan Account.
Port Sanitary Authorities . . .	Feb. 28, 1896	Financial Statement and Accounts.
Rural District Councils . . .	May 20, 1895	Notice of Audit and Report on Accounts.
" " " " " "	Oct. 4, 1899	Financial Statement.
School Districts (Boards of Management).	Mar. 19, 1891	Financial Statement and Loan Account.
" " " " (Clerk) . . .	Mar. 19, 1891	Financial Statement.
Sea Fisheries Districts . . .	Jan. 26, 1893	Financial Statement.
Sick Asylum Districts . . .	Oct. 20, 1879	Financial Statement and Loan Account.
Special rates	Mar. 20, 1879	Accounts and Audit.
Town Councils. See Boroughs.		
Urban District Councils (a) (other than Town Councils).	Mar. 8, 1881	Accounts and Audit.
" " " " " "	Mar. 22, 1880	Accounts and Audit.
" " " " " "	April 18, 1903	Financial Statement and Loan Account.
" " " " " "	1891, 1897, 1901	Stock Regulations.
" " " " " "	April 5, 1902	Abstract of Stock and Redemption Funds Accounts.
Workhouse	Oct. 10, 1900	Dietaries.

(a) On May 2nd, 1904, the Local Government Board forwarded to those urban district councils which were local education authorities, a Form of Statement of Receipts and Expenditure in respect of education from the appointed day to March 31st, 1904, to be incorporated with the Statutory Financial Statement for the Year ended March 31st, 1904.

On December 29th, 1905, they forwarded to urban district councils, not being local education authorities but spending money for the purposes of education other than elementary, a Form of Statement of Receipts and Expenditure under s. 3 of the Education Act, 1902, to be incorporated with the Statutory Financial Statement.

Periods for which accounts are made up for audit.—The accounts of the under-mentioned local authorities, etc., are made up for the periods indicated for audit by the district auditor :

Local Authorities, etc.	Period.
County Councils	Year ended March 31st.
Metropolitan Borough Councils	" " "
Metropolitan Water Board	" " "
Urban District Councils	" " "
Parish Councils	" " "
Parish Meetings	" " "
Joint Boards for Sanitary Purposes	" " "
Port Sanitary Authorities	" " "

Local Authorities, etc.	Period.
Rural District Councils	Half-yearly to September 30th and March 31st.
Guardians and Boards of Management of Asylum and School Districts.	Half-yearly to September 29th and March 25th.
Overseers of the Poor	Half-yearly to September 30th and March 31st.

The accounts of town councils, so far as they are subject to audit by a district auditor (*a*), are made up for the year ended March 31st.

Books, etc., required at audit of accounts of parish councils and parish meetings.—The following is a copy of a memorandum issued by the Local Government Board on this subject :

INSTRUCTIONS AS TO THE BOOKS AND ACCOUNTS WHICH SHOULD BE PRODUCED AT AUDIT BY PARISH COUNCILS AND PARISH MEETINGS, AND THEIR OFFICERS.

The following books, etc., should be produced at audit :

1. Minute book.
2. The book containing the entries of the moneys received and paid by the parish council or parish meeting during the year ended on March 31st.
3. The bank pass book, or treasurer's account.
4. Vouchers for all payments, and also all cheques cashed by the treasurer during the year.
5. A cash book, or other personal cash account of any officer who may have received and paid any money on behalf of the parish council or parish meeting during the year.
6. Any other books, such as receipt cheque books or rentals, documents, agreements or contracts relating to receipts or payments by or on behalf of the parish council or parish meeting.
7. A financial statement of receipts and payments in duplicate in the form prescribed by the Local Government Board. One of the duplicates must bear a "district audit" stamp of the proper value. No other description of stamp can be accepted.

(*a*) For information on this point, see pp. 44, 45.

8. The financial statement for the previous year.

All accounts should be made up and balanced to March 31st, and must be strictly confined to recording the transactions up to that date.

In any case where there was no balance in hand at the commencement of the year to which this notice relates, and where either the parish council [or parish meeting] had no receipts and payments during the year, or the only item of account would be in respect of the cost of the audit stamp upon the financial statement of the preceding year, attendance will be dispensed with on condition that a certificate (which may be in the form of a letter) stating the facts and signed by the chairman of the parish council or parish meeting is sent to the district auditor prior to the day fixed for the audit. In such cases the notice of audit need not be published.

* * * * *

Local Government Board,
Whitehall, London, S.W.,
March, 1897.

Stamp duty on financial statements.—The following scale of stamp duties payable by local authorities was fixed by the First Schedule of the District Auditors Act, 1879:

Where the total of the expenditure comprised in the financial statement is	The sum shall be
Under £20	5s.
£20 and under £50	10s.
£50 and under £100	£1
£100 and under £500	£2
£500 and under £1,000	£3
£1,000 and under £2,500	£4
£2,500 and under £5,000	£5
£5,000 and under £10,000	£10
£10,000 and under £20,000	£15
£20,000 and under £50,000	£20
£50,000 and under £100,000	£30
£100,000 and upwards	£50

For the purpose of this schedule the expenditure comprised in the financial statement is to be exclusive of any sum paid to another local authority in pursuance of a precept.

This schedule was modified by s. 71 (3) and the Second

Schedule of the Local Government Act, 1888, in regard to the financial statements of county councils as follows :

The following scale shall, until otherwise determined by Parliament, be substituted for so much of the scale set forth in the First Schedule to the District Auditors Act, 1879, as relates to expenditure amounting to £100,000 and upwards :

Where the total of the expenditure comprised in the financial statement is	The sum shall be
£100,000 and under £150,000	£50
£150,000 and under £200,000	£60
£200,000 and upwards	£15 in addition for every £50,000 or part thereof

This latter scale applies also to metropolitan borough councils by virtue of s. 14 of the London Government Act, 1899.

In the case of the Metropolitan Water Board, the stamp duty to be charged is such as the Treasury, after consultation with the Local Government Board and having regard to the cost of the audit, may determine (Metropolis Water Act, 1902, s. 19).

Special attention is drawn to the requirement of the Commissioners of Inland Revenue that, in every case where the stamp duty on a financial statement exceeds £5, the duty is to be denoted by an *impressed* stamp. In no case where the duty is over £5 must an adhesive stamp be used for the purpose. Any financial statement liable to duty above this amount will, on being presented to any distributor or sub-distributor of stamps, be forwarded by him free of expense to the Inland Revenue Department in order that the required stamp may be impressed.

The requirement above-mentioned must be strictly complied with.

Attendance of, and objections by, ratepayers, etc.—
Section 247 (6) of the Public Health Act, 1875, provides that :

“ Any ratepayer or owner of property in the district may be present at the audit, and may make any objection to such accounts before the auditor ; and such ratepayers and owners

“shall have the same right of appeal against allowances by an auditor as they have by law against disallowances.”

This provision applies to the audit of the accounts of :

COUNTY COUNCILS, by virtue of s. 71 (3) of the Local Government Act, 1888 ;

METROPOLITAN BOROUGH COUNCILS, by virtue of s. 14 of the London Government Act, 1899, and s. 71 (3) of the Local Government Act, 1888 ;

URBAN DISTRICT COUNCILS (not being town councils) ;
RURAL DISTRICT COUNCILS ; PARISH COUNCILS ; and
PARISH MEETINGS of parishes not having parish councils ; by virtue of s. 58 (2) of the Local Government Act, 1894 ;

TOWN COUNCILS, so far as they are subject to audit by a district auditor (see *ante*, p. 45).

The same provision apply to the accounts of the *Metropolitan Water Board* (see s. 19 of the Metropolis Water Act, 1902). The last-mentioned enactment also provides that a *water consumer* shall have the same right of being present at the audit, and of making objections and appealing as a ratepayer has.

With respect to the audit of poor law accounts, s. 3 of the Poor Law Amendment Act, 1844, enacts (*inter alia*) that a ratepayer in any parish or union may be present at the audit of the accounts relating to such parish or union, and may make any objection to any such account before the district auditor.

Any ratepayer or other person to whom the aforesaid enactments apply who considers that any expenditure included in the accounts of a local authority is illegal, or otherwise improperly charged in the accounts, or is unreasonable, may accordingly attend at the audit of the accounts and object thereto before the auditor. Any question of allowance, disallowance, or surcharge in regard to any expenditure included in the accounts of the local authority is a matter, in the first instance, for the determination of the district auditor ; but an appeal may be made to the Local Government Board against the auditor's decision.

Appeals against disallowances and surcharges.—Appeals to the Local Government Board against disallowances and surcharges by district auditors should be made in strict conformity with the instructions embodied in the following Memorandum :

INSTRUCTIONS AS TO THE MODE OF APPEALING TO THE LOCAL
GOVERNMENT BOARD AGAINST DISALLOWANCES AND SUR-
CHARGES BY A DISTRICT AUDITOR.

1. Any person affected by a district auditor's certificate of disallowance or surcharge, may, if he feels aggrieved by the auditor's decision, appeal to the Local Government Board, who, upon the receipt of the appeal, are empowered to decide as to the lawfulness of the reasons stated by the auditor for his decision ; and where they uphold the disallowance or surcharge, they may, upon payment of the costs (if any) incurred by the auditor in taking steps to enforce payment of the money certified, remit the disallowance or surcharge, if they consider that the subject-matter of it was incurred under such circumstances as make it fair and equitable that this course should be taken.

2. Any person desiring to appeal, must, unless the auditor has already entered his reasons in the book of account in which the disallowance or surcharge was made, apply to him to enter his reasons in that book ; and for this purpose the book should be submitted to him.

3. When the auditor has entered his reasons, an exact copy of them and also a copy of his certificate of disallowance or surcharge, including his signature and the date of the entry, should be forwarded to the Board with the appeal.

4. The appeal should be by letter on foolscap paper, addressed to the Secretary of the Local Government Board, Whitehall, London, and must be signed by the appellant in his own handwriting. Where two or more persons are mentioned in the auditor's certificate, the appeal should be signed by each of those desirous of appealing.

5. The appeal should contain a full statement of the facts which the appellant may desire to lay before the Board ; and the grounds upon which the appeal is made should be explicitly set out. If they are any—

- (1) Cheques,
- (2) Bills,
- (3) Vouchers, or
- (4) other papers or documents

bearing upon the matter, they should be forwarded to the Board with the appeal; and where there are resolutions of the Local Authority with reference to the subject-matter of the expenditure, copies of the resolutions should also be sent.

6. Unless an appeal be made against the auditor's decision, the sum certified by him to be due must be paid over as follows :

- (a) Money certified to be due in the accounts (including accounts of committees and officers) of a
 - (1) County council, or
 - (2) Visiting committee of a lunatic asylum, or
 - (3) Metropolitan borough council, or
 - (4) Town council, or
 - (5) District council, or
 - (6) Port sanitary authority, or
 - (7) Parish council or parish meeting, or
 - (8) any other authority to whom section 247 (9) of the Public Health Act, 1875, applies,

must be paid within fourteen days from the date of the auditor's certificate, to the treasurer of the authority; or in the case of a parish council or parish meeting having no treasurer, to the person or persons who receive money on their behalf.

- (b) Money certified to be due in the accounts (including the accounts of officers) of a—
 - (1) Board of guardians, or
 - (2) Board of management for a poor law school or asylum district,

must be paid over within seven days to the treasurer of the authority.

- (c) Money certified to be due in the accounts of overseers, assistant overseers, or collectors, relating to the under-mentioned rates, must be paid over within seven days, as hereinafter mentioned, except where the sum, or the aggregate of the sums, disallowed is less

than £2, in which case the money may be paid over with the balance to the succeeding overseers;

- (1) Money certified in the poor rate accounts must be paid to the treasurer of the guardians;
- (2) Money certified in the separate sanitary rate account must be paid to the treasurer of the rural district council;
- (3) Money certified in the lighting rate account or separate burial rate account must be paid to the treasurer of the authority on whose precept or certificate the rate was made.

The reference to officers in paragraph (6) (a) above applies to the managers of any public elementary school to whom any receipts or payments of money under the Education Act, 1902, are entrusted by the local education authority—see s. 18 (5) of the Act.

S. B. PROVIS,
Secretary.

Local Government Board,
April, 1905.

Local Authorities (Expenses) Act, 1887.—Section 3 of this Act provides as follows:

“Expenses paid by any local authority whose accounts are subject to audit by a district auditor shall not be disallowed by that auditor if they have been sanctioned by the Local Government Board.”

With reference to applications for the sanction of the Local Government Board under this enactment, it is stated on p. xxxviii of the twenty-ninth annual report of the Board (1899—1900), that they do not regard the Act as justifying them in authorising illegal expenditure of a *recurring* nature, and that they, therefore, decline to sanction payments of this description.

The section does not apply to a municipal borough, except so far as the accounts of the town council are subject to audit by a district auditor. For information on this point, see pp. 44, 45.

Any application for sanction under this Act should give full particulars of the expenditure and of the circumstances under which it was incurred.

A district auditor may adjourn any audit with a view to an application to the Board for sanction to expenditure which in his opinion may equitably be allowed although technically illegal.

Departmental Committee on Accounts.—The Departmental Committee appointed by the President of the Local Government Board to inquire and report with respect to :—

- (1) The systems on which the accounts of local authorities in England and Wales are at present kept ;
- (2) Generally as to the system on which the accounts of the various local authorities in England and Wales should be kept, and in particular whether such accounts should be prepared on a system requiring the entries of receipts and payments to be confined as far as possible to actual receipts and payments of money or not ; and
- (3) The regulations which should be made on the subject, regard being had to the necessity for showing accurately the amounts raised by local taxation and the purposes for which they are applied ;

presented their report on July 8th, 1907, and that report and the evidence were subsequently published as Parliamentary Papers (a). (Vol. I. Report. *Cd.* 3614. 1907. Price 1s. 1d. Vol. II. Minutes of Evidence, etc. *Cd.* 3615. 1907. Price 2s. 9d.)

A large number of detailed suggestions were made, amongst the most important of which was the suggestion that the most efficient system of account keeping suitable for general application to local authorities is a system of income and expenditure on which all incomings and outgoings pertaining to any given period, whether actually received and disbursed or not, are included in the accounts of that period.

(a) As to how such papers may be obtained, see Part XLVI., "Parliamentary and other Papers."

PART VI.—BATHS AND WASHHOUSES.

Statutory provisions.—The principal enactments of the general law relating to the provision and management of public baths and washhouses by local authorities in England and Wales are contained in the under-mentioned statutes :

BATHS AND WASHHOUSES ACT, 1846 (9 & 10 Vict. c. 71) ;
 BATHS AND WASHHOUSES ACT, 1847 (10 & 11 Vict. c. 61) ;
 BATHS AND WASHHOUSES ACT, 1878 (41 Vict. c. 14) ;
 BATHS AND WASHHOUSES ACT, 1882 (45 & 46 Vict. c. 30) ;
 BATHS AND WASHHOUSES ACT, 1896 (59 & 60 Vict. c. 59) ; and
 BATHS AND WASHHOUSES ACT, 1899 (62 & 63 Vict. c. 23).

These Acts are cited together as the Baths and Washhouses Acts, 1846 to 1899.

Adoption of Acts.—In a borough or other urban district outside the administrative county of London the Baths and Washhouses Acts may be adopted by the council thereof in pursuance of s. 10 of the Public Health Act, 1875; and such council will thereupon become the authority for the execution of the Acts. A resolution of the council adopting the Acts is sufficient for the purpose; and no approval on the part of the Local Government Board or any other department or body is required in the matter.

The adoption of the Acts in a metropolitan borough is regulated by s. 4 of the London Government Act, 1899. Sub-s. (4) of that section provides that :

“Any of the adoptive Acts” [which include the Baths and Washhouses Acts] “may be adopted in a metropolitan borough in like manner as in a borough outside London, and not otherwise, and where any of the adoptive Acts adopted before

* BIBLIOGRAPHY.—Lumley's “Public Health,” latest edition. “Encyclopædia of Local Government Law,” vol. i. pp. 591—600; vol. ii. p. 180. “Encyclopædia of Forms and Precedents,” vol. ix. p. 52.

“the appointed day does not extend to the whole borough, the
“Act may be adopted in the rest of the borough in like
“manner as if it were a separate borough and the borough
“council were the council thereof.”

In a rural parish, the parish meeting possess, *exclusively*, the power of adopting the Baths and Washhouses Acts (s. 7 (1) of the Local Government Act, 1894); but it is necessary that not less than fourteen days' notice of the meeting at which the adoption is to be proposed should be given, and that at least two-thirds of the parochial electors voting on the question at the parish meeting shall have voted for the resolution, or, if a poll be taken, a like majority of the parochial electors voting at the poll (Act of 1894, s. 7 (2), and Act of 1846, s. 5).

The proceedings in connection with the poll will be regulated, if the parish has a parish council, by the General Order of the Local Government Board, dated February 5th, 1895, or if there is no parish council by the Order dated November 15th, 1894.

The approval of the resolution by the Local Government Board is also required under s. 5 of the Baths and Washhouses Act, 1846, as amended by s. 2 and Part I. of the Schedule of the Local Government Board Act, 1871.

There is no provision in the Baths and Washhouses Acts enabling these Acts to be adopted for part only of a parish.

On the adoption of the Acts, if the parish has a parish council, that council becomes the authority for the execution of the Acts (s. 7 (7) of the Act of 1894). It is improbable that the Acts would be adopted in a rural parish without a parish council, but in such an event it would, unless the powers of a parish council for the execution of the Acts were conferred on the parish meeting by the county council under s. 19 (10) of the Local Government Act, 1894, be necessary for the parish meeting to appoint commissioners in pursuance of s. 6 of the Baths and Washhouses Act, 1846.

An application to the Local Government Board for their approval of the adoption of the Baths and Washhouses Acts

in a rural parish should be accompanied by the following particulars:

- (1) A copy of the notice convening the parish meeting, with a certificate to the effect that the notice has been published in accordance with the requirements of s. 51 of the Local Government Act, 1894, and that it was published not less than fourteen days before the date of the parish meeting;
- (2) A copy of the resolution passed by the parish meeting, signed by the chairman of the meeting;
- (3) Information as to (a) the number of parochial electors who voted for the resolution, and (b) the number who voted against it; and
- (4) If a poll was demanded and taken, a copy of the declaration of the result of the poll and a statement that the requirements of the Board's Order as to polls were complied with.

Operation of the Acts in London.—By the Fourth Schedule (Part I.) of the "Adoptive Acts Scheme, 1900," made by the commissioners appointed by the committee of the Privy Council under the London Government Act, 1899, it was provided that, as from the appointed day referred to in that Act, the Baths and Washhouses Acts should be in force:

I.—THROUGHOUT THE FOLLOWING METROPOLITAN BOROUGHs:

Battersea.	Hackney.	Paddington.
Bethnal Green.	Hampstead.	Poplar.
Camberwell.	Islington.	St. Marylebone.
Chelsea.	Kensington.	St. Pancras.
Deptford.	Lambeth.	Shoreditch.
Fullham.	Lewisham.	

II.—IN PARTS ONLY OF THE FOLLOWING METROPOLITAN BOROUGHs:

Name of Borough.	Parishes in which Acts are in force.
Bermondsey . . .	{ Bermondsey.
	{ Rotherhithe.
Greenwich . . .	{ Greenwich.
	{ St. Nicholas, Deptford.
Holborn . . .	{ St. Giles-in-the-Fields.
	{ St. George, Bloomsbury.

Southwark	{	St. Saviour's, Southwark.
	{	St. Mary, Newington.
Stepney	{	Whitechapel.
	{	St. George-in-the-East.
	{	Ratcliff.
Wandsworth	{	Clapham.
	{	Streatham.
	{	Wandsworth.
Westminster	{	St. George, Hanover Square.
	{	St. James, Westminster.
	{	St. Margaret and St. John,
	{	Westminster.
	{	St. Martin-in-the-Fields.
Woolwich	{	Plumstead.
	{	Woolwich.

The scheme declared the Acts not to be in force in the metropolitan boroughs of Finsbury, Hammersmith, and Stoke Newington, but provided that nothing therein should affect the power under s. 4 of the London Government Act, 1899, of adopting the Acts in the whole or any part of any metropolitan borough.

A return was issued by the London County Council in November, 1899, relating (*inter alia*) to all public baths and washhouses established by parishes and districts in the administrative county of London under the Baths and Washhouses Acts, 1846 to 1896. (No. 451. Price 1s. 9d.; post free, 2s.)

The return showed for each parish in which the Baths and Washhouses Acts had been adopted—

- (a) the authority administering the Acts ;
- (b) the estimated population in April, 1898 ;
- (c) the number of occupiers of tenements of four rooms or less according to the census of 1891 ;
- (d) the date when the Acts were adopted ;
- and also showed, as regards each establishment—
- (e) the date of opening ;
- (f) the hours when open to the public ;
- (g) the charges ;
- (h) the accommodation provided ;

- (i) the extent to which such accommodation was made use of during the year 1897—1898;
- (j) particulars of the water supply ;
together with—
- (k) the statutory rateable value of each parish on April 6th, 1898;
- (l) an abstract of the accounts for 1897—1898, in respect of the Baths and Washhouses Acts, and
- (m) a statement of the loans outstanding at the end of that year, for the purpose of each establishment.

A memorandum is prefixed to the return dealing with the under-mentioned matters: (i) statutory powers; (ii) execution of Acts; (iii) accommodation; (iv) charges; (v) extent of use; (vi) winter arrangements; (vii) water supply; (viii) finance; (ix) bathing at parks and open spaces.

A further return was issued by the London County Council in April, 1906, being a "Return of public baths and washhouses established in the administrative county of London under the Baths and Washhouses Acts, 1846—1896; statistics of establishments, accommodation and charges on the 31st March, 1905; statistics of bathers and washers, winter arrangements and accounts during the year ended 31st March, 1905; together with some account of other bathing accommodation than that provided by the metropolitan borough councils." (No. 945. Price, 3*d.*; post free, 4*d.*)

These returns may be purchased either directly or through any bookseller from Messrs. P. S. King and Son (the agents for the sale of the London County Council's publications), 2 and 4, Great Smith Street, Westminster, S.W.

Borrowing powers.—I. URBAN AUTHORITIES (OUTSIDE LONDON).—Power to borrow money for the purposes of the Baths and Washhouses Acts, where those Acts have been adopted, is conferred on an urban authority, that is to say, a town council or urban district council, by ss. 233 and 234 of the Public Health Act, 1875, which are made applicable by section 10 of that Act. The provisions of the two first-mentioned sections

are dealt with more fully in Part X.: "Borrowing." The borrowing of money under those enactments is subject to the sanction of the Local Government Board.

II. METROPOLITAN BOROUGH COUNCILS.—The power of a metropolitan borough council to borrow money for the purposes of the Baths and Washhouses Acts, where such Acts are in force, is derived from s. 21 of the Baths and Washhouses Act, 1846, as amended by s. 9 of the Baths and Washhouses Act, 1878 (see also ss. 4 and 34 of the London Government Act, 1899). The approval of the Local Government Board to the borrowing of any money is required in pursuance of s. 9 of the Act of 1878.

In regard to the borrowing of money by metropolitan borough councils for the purposes of the adoptive Acts (which include the Baths and Washhouses Acts), Art. 1 of "THE LONDON ADOPTIVE ACTS (BORROWING) SCHEME, 1904," made by the Commissioners appointed by the Committee of the Privy Council under the London Government Act, 1899, declares as follows:

"1. For removing doubts, it is hereby declared that the
"council of a metropolitan borough in which, or in any part
"of which, any of the adoptive Acts are or were for the time
"being in force, shall have, and shall be deemed always to have
"had, power to borrow for any purpose for which the
"authorities mentioned in the adoptive Acts as the authorities
"to carry those Acts into effect are authorised to borrow, and
"in like manner and subject to the like consent or approval,
"but upon the security of the general rate of the parish or
"parishes in which the adoptive Acts are or were at the date
"of the borrowing in force.

"Provided that nothing in this scheme shall be construed as
"requiring the consent or approval of any vestry to any
"borrowing for the purposes of any of the adoptive Acts."

III. PARISH COUNCILS.—The parish council of a parish in which the Baths and Washhouses Acts have been adopted are empowered to borrow money for the purposes of those Acts

under s. 12 of the Local Government Act, 1894. Under that section the consents of the County Council and Local Government Board are necessary to the borrowing of any money; and the consent of the parish meeting to the incurring by the parish council of expenses or liabilities which will involve a loan is also required by s. 11 of that Act. The provisions of those sections are set out, *post*, under Part X.: "Borrowing."

It may be added that many local authorities possess borrowing powers under local Acts in connection with the provision, etc., of public baths.

Loans authorised by Local Government Board.—The annual reports of the Local Government Board show that, during the five years ended December 31st, 1906, loans for the purposes of the Baths and Washhouses Acts were authorised in respect of the following places:

I.—METROPOLITAN BOROUGHES.

Battersea.	Hampstead.	St. Pancras.
Camberwell.	Holborn.	Shoreditch.
Chelsea.	Islington.	Stepney.
Fulham.	Lambeth.	Wandsworth.
Greenwich.	Lewisham.	Westminster.
Hackney.	Poplar.	Woolwich.
Hammersmith.		

II.—BOROUGHES (OUTSIDE LONDON).

Aston Manor.	Dudley.	Norwich.
Bangor.	Ealing.	Reading.
Birkenhead.	Eastbourne.	Sheffield.
Birmingham.	Folkestone.	Smethwick.
Blackburn.	Kingston-upon-Hull.	Southampton.
Bootle.	Lancaster.	Southport.
Bradford (Yorks.).	Leicester.	Sunderland.
Bristol.	Liverpool.	Sutton Coldfield.
Carnarvon.	Manchester.	Wednesbury.
Chelmsford.	Mansfield.	West Ham.
Cheltenham.	Middlesbrough.	Whitehaven.
Chester.	Morley.	Wimbledon.
Colne.	Newcastle-on-Tyne.	Worthing.
Croydon.	Newcastle-under-Lyme.	Wrexham.
Dover.	Northampton.	

III.—OTHER URBAN DISTRICTS.

Acton.	Leyton.
Altrincham.	Midsomer Norton.
Arnold.	*Moss Side.
Barking Town.	Northwich.
Beckenham.	Radcliffe.
Carlton.	Rugby.
Castleford.	Selby.
Chiswick.	Stourbridge.
Crompton.	Stourport.
Dorking.	Stretford.
Edmonton.	Sutton.
Gainsborough.	Swinton and Pendlebury.
Handsworth.	Tottenham.
Harrow-on-the-Hill.	Wallasey.
Heston and Isleworth.	Walthamstow.
Hinckley.	Watford.
Kettering.	Westbury.
Kings Norton and Northfield.	Willesden.
Levenshulme.	

There was no instance of a case, prior to December 31st, 1906, in which consent had been given by the Local Government Board to the borrowing of money by a parish council for the purposes of the Acts.

Periods for repayment of loans.—The maximum periods fixed by the statutes for the repayment of loans for the purposes of the Baths and Washhouses Acts are as follows:

Borrowing Authority.	Statute.	Maximum Term.
METROPOLITAN BOROUGH COUNCIL.	Baths and Washhouses Acts.	No limit.
URBAN AUTHORITY (Outside London.)	Public Health Act, 1875	60 Years. [Section 234 (4).]
PARISH COUNCIL	Local Government Act, 1894.	60 Years. [Public Health Act, 1875, s. 234 (4), applied by Local Government Act, 1894, s. 12 (1).]

It is stated in the Report of the Select Committee on Repayment of Loans (1902) that the periods usually allowed by the

* Since included in the city of Manchester.

Local Government Board for the repayment of loans for purposes connected with the provision of public baths are :

LAND (purchase of freehold)	60 years
BUILDINGS (stone or brick)	30 „
SWIMMING BATHS	30 „
TURKISH and SLIPPER BATHS	20 „
HEATING APPARATUS	10 „

Applications for sanction to loans.—**URBAN AUTHORITIES (OUTSIDE LONDON).**—An application by a town council or urban district council to the Local Government Board for sanction to borrow money for the purposes of the Baths and Washhouses Acts should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made (*a*) ;
- (2) A copy of the resolution of the council adopting the Acts ;

[NOTE.—If this has been forwarded to the Board on some previous occasion, it will be sufficient to state this fact, mentioning the date on which it was sent.]

- (3) Plans and sections of the intended works (*b*) ;

[NOTE.—These should include elevations of any proposed building, a block plan showing the drainage arrangements, and a map of the borough or urban district distinguishing by colour the position of the site and the position of any other public baths provided by the local authority.]

- (4) A certificate by the council's surveyor, as regards the erection of or alterations and additions to any building, that the plans comply in all respects with the byelaws in force in the district ;
- (5) A detailed estimate of the cost of the scheme (*c*) ;
- (6) A short description of the proposed works (including particulars of materials, etc.) ;

(a) See also "RESOLUTIONS," p. 8.

(b) See also "PLANS," p. 6.

(c) See also "ESTIMATES," p. 4.

- (7) Information as to whether a provisional agreement has been entered into for the acquisition of the site. If, however, the site already vests in the council, it should be stated when, under what statutory authority, and for what purpose, the land was acquired. If the land was purchased by means of a loan, particulars as to the loan should be supplied; and
- (8) Particulars (in Form K., No. 2) as to the assessable value and existing debt of the district (a).

METROPOLITAN BOROUGH COUNCILS.—An application by a metropolitan borough council for the Local Government Board's approval of a loan for the purposes of the Baths and Washhouses Acts should be accompanied by similar particulars to those already indicated as being required in the case of an application by an urban authority (outside London), except that the certificate mentioned in (4) should refer to the provisions of the London Building Acts, and that, instead of (8), a return (in tabular form) should be furnished showing the rateable value of the borough, the several loans contracted by the borough council and their predecessors and not yet wholly repaid, the precise purpose of each loan, the period allowed for repayment, the date of borrowing of each loan or each instalment of a loan (where the loan has been raised by instalments), the particular method of repayment, and the total amount already repaid or set aside for the discharge of each loan (b).

PARISH COUNCILS.—An application by a parish council for the consent of the Local Government Board to the borrowing of money for the purposes of the Acts in question should be accompanied by—

(a) See also "FORMS," p. 5.

(b) The Local Government Board have not prescribed a form for this purpose.

- (1) A copy of a resolution of the parish council directing application to be made for the consent of the Local Government Board to the proposed loan (*a*);
- (2) A copy of the document conveying the consent of the county council to the loan;
- (3) A copy of the resolution of the parish meeting (signed by the chairman thereof) consenting to the parish council incurring the expenses or liabilities for which the loan is required. If a poll was taken a copy of the declaration of the result of the poll should be sent;
- (4) A reference to the date on which the approval of the Local Government Board was given to the adoption of the Acts;
- (5) Plans and sections of the intended works (including elevations of any proposed building), a block plan showing the drainage arrangements, and a map of the parish distinguishing by colour the position of the site (*b*);
- (6) A detailed estimate of the cost of the scheme (*c*);
- (7) Information as to whether a provisional agreement has been entered into for the acquisition of the site. If, however, the site is already vested in the council, it should be stated when, under what statutory authority, and for what purpose, the land was acquired. If the land was purchased by means of a loan, particulars as to the loan should be supplied; and
- (8) Particulars (in Form K., No 100) as to the rateable value and existing debt of the parish (*d*).

Proportion of baths for the labouring classes. In connection with the provision of public baths, it should be borne in mind that s. 36 of the Baths and Washhouses Act, 1846, enacts that the number of baths for the labouring classes in

(*a*) See also "RESOLUTIONS," p. 3.

(*b*) See also "PLANS," p. 6.

(*c*) See also "ESTIMATES," p. 4.

(*d*) See also "FORMS," p. 5.

any building or buildings under the management of the same council shall not be less than twice the number of the baths of any higher class if but one, or of all the baths of any higher class if more than one, in the same building or buildings.

Appropriation and sale, etc., of land.—By s. 1 (1) of the Local Authorities (Treasury Powers) Act, 1906, the powers conferred on the Treasury by (among other statutes) the Baths and Washhouses Acts, 1846 to 1899, were transferred to the Local Government Board; and applications under s. 24 of the Baths and Washhouses Act, 1846, for approval of the appropriation of lands for the purposes of the Baths and Washhouses Acts, and under ss. 31 and 32 of the Act of 1846 for approval of the sale and disposal of lands acquired for the purposes of these Acts, the disposal of the proceeds, the exchange of lands, and the sale of public baths and washhouses which are determined to be unnecessary or too expensive to be kept up, should accordingly now be made to that Board and not to the Treasury.

Any such applications should be accompanied by the particulars indicated as being required in connection with like proposals under the Housing of the Working Classes Acts (see Part XXX., *post*), so far as those particulars are applicable.

Byelaws.—The following notes should be read in conjunction with the general instructions given under Part XIII.: “Byelaws and Regulations,” *post*, as to the manner in which applications should be made to the Local Government Board for the confirmation or allowance of byelaws and regulations.

The making of byelaws with respect to public baths and washhouse and open bathing places is authorised by s. 34 and Sched. (A.) of the BATHS AND WASHHOUSES ACT, 1846, which enact as follows :

“The byelaws which the council and commissioners respectively may from time to time make, alter, repeal, and enforce shall include such byelaws for the management, use, and

“regulation of the public baths and washhouses and open
 “bathing places, and of the persons resorting thereto respec-
 “tively, and for determining from time to time the charges for
 “the use of such baths and washhouses and open bathing
 “places respectively, as the council and commissioners respec-
 “tively shall think fit ; and they respectively may appoint any
 “penalty not exceeding five pounds for any and every breach,
 “whether by their officers or servants, or by other persons, of
 “any byelaw made by them respectively ; and such byelaws
 “shall make sufficient provision for the several purposes
 “respectively expressed in the Schedule (A.) to this Act :
 “Provided always, that no byelaw made under the authority
 “of this Act shall be of any legal force until the same shall
 “have received the approval of one of her Majesty’s principal
 “Secretaries of State” [now the Local Government Board,
 see the Local Government Board Act, 1871 (34 & 35 Vict.
 c. 70)].

“SCHEDULE (A).

“*Byelaws to be made in all cases.*

“For securing that the baths and washhouses and open
 “bathing places shall be under the due management and
 “control of the officers, servants, or others appointed or
 “employed in that behalf by the council or commissioners.

“For securing adequate privacy to persons using the baths
 “and washhouses and open bathing places, and security
 “against accidents to persons using the open bathing places.

“For securing that men, and boys above eight years old,
 “shall bathe separately from women and girls, and children
 “under eight years old.

“For preventing damage, disturbance, interruption, and in-
 “decent and offensive language and behaviour, and nuisances.

“For determining the duties of the officers, servants, and
 “others appointed by the council or commissioners.

“In parishes. For regulating the procedure of the com-
 “missioners.”

The Local Government Board have prepared model byelaws
 under the above-cited provisions, and these have been placed
 on sale, viz. :

SERIES IX.

1. Management, use, and regulation of the public baths.
2. Management, use, and regulation of the public wash-houses.
3. Management, use, and regulations of an open bathing place.
4. Determining the duties of the officers and servants of the public baths and washhouses.
5. Determining the duties of the superintendent of the open bathing place. [8vo. 1901. Price 6d. (a).]

A Memorandum of the Board, dated October, 1901, as to the powers of local authorities in relation to these matters, the charges to be made for the use of baths and washhouses and open bathing places, and the steps to be taken to secure privacy and security against accidents is prefixed to the published copies.

When forwarding the draft byelaws proposed to be made to the Local Government Board for their preliminary approval, evidence should be furnished of the adoption of the Baths and Washhouses Acts, unless this has been supplied to the Board on some previous occasion, in which case a reference to the previous evidence will be sufficient. Information should also be supplied as to when and under what authority the baths, etc., were provided or otherwise acquired by the authority.

(a) Copies may be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Limited, Fetter Lane, London, E.C.

PART VII.—BILLS IN PARLIAMENT.*

[LOCAL.]

Powers of local authorities in regard to promotion and opposition.—I. COUNTY COUNCILS.—County councils are empowered both to promote and oppose Bills in Parliament. Their powers in these respects are derived from s. 1 of the County Councils (Bills in Parliament) Act, 1903 (3 Edw. 7, c. 9), and s. 15 of the Local Government Act, 1888, as amended by the first-mentioned enactment.

Section 1 of the Act of 1903 provides as follows:

“(1) The powers conferred by section fifteen of the Local Government Act, 1888, on the council of a county to oppose Bills in Parliament shall be extended so as to authorise them to promote Bills as well as to oppose them.

“(2) The county council may determine that any expenses incurred in pursuance of section fifteen of the Local Government Act, 1888, as amended by this Act, are to be regarded as incurred for special county purposes, but any such determination shall be forthwith notified to the overseers of any parish liable to be assessed in pursuance of such determination, and shall be subject to appeal, within twenty-one days, at the instance of the overseers of any parish so liable, to the Local Government Board, whose decision shall be final.

“(3) For the purpose of deciding any such appeal, sub-sections (1) and (5) of section eighty-seven of the Local Government Act, 1888 (which relates to local inquiries), shall apply.

“(4) The powers conferred by this section shall be in addition to, and not in derogation of, any powers possessed by the London County Council.

“(5) Proviso (b) to section fifteen of the Local Government

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. v. pp. 186—222, 290. "Encyclopædia of Forms and Precedents," vol. ix. pp. 143—398. Wheeler's "Practice of Private Bills." Allan's "Private Bills." Williams' "Borough Funds Act."

“Act, 1888, which relates to the promotion of Bills in Parliament by a county council, is hereby repealed.”

And s. 15 of the Act of 1888, as amended by the foregoing provision, enacts that :

“The county council of an administrative county shall have the same powers of opposing Bills in Parliament, and of prosecuting or defending any legal proceedings necessary for the promotion or protection of the interests of the inhabitants of the county, as are conferred on the council of a municipal borough by the Act of the thirty-fifth and thirty-sixth years of Victoria, chapter ninety-one; and subject as herein-after provided the provisions of that Act shall extend to a county council as if such council were included in the expression ‘governing body,’ and the administrative county were the district in the said Act mentioned.

“Provided that—

“(a) No consent of owners and ratepayers shall be required for any proceedings under this section.”

The approval of the Local Government Board is required to the promotion or opposition of Bills by county councils under the above-cited enactments.

II. TOWN COUNCILS AND URBAN DISTRICT COUNCILS.—The powers of these councils under the general law in relation to the promotion and opposition of Bills in Parliament are governed by the Borough Funds Act, 1872 (35 & 36 Vict. c. 91), as amended by the Borough Funds Act, 1903 (3 Edw. 7, c. 14), which Acts are cited together as the Borough Funds Acts, 1872 and 1903. Under those Acts, the councils referred to are empowered to charge upon the public funds or rates the cost of promoting and opposing Bills, subject to certain formalities which include the approval of the resolution of the council by the Local Government Board. The consent of the parochial electors expressed at a public meeting, or at a poll (if a poll is taken), must also be obtained with respect to the promotion of a Bill, in accordance with the regulations contained in the First Schedule of the Act of 1903, but no such consent is necessary in the case of opposition to a Bill, as the

provision in s. 4 of the Act of 1872, that no expense in opposing a Bill in Parliament shall be charged unless the opposition has had the consent of the owners and ratepayers of the district was repealed by the Act of 1903.

III. METROPOLITAN BOROUGH COUNCILS.—These councils have the same powers in regard to the promotion and opposition of Bills in Parliament as are possessed by town councils outside London, by virtue of s. 6 (6) of the London Government Act, 1899, and the Borough Funds Act, 1903.

. Sub-section (6) of s. 6 of the Act of 1899 enacts as follows :

“A borough council shall have the same powers of promoting and opposing Bills in Parliament, and of prosecuting or defending any legal proceedings necessary for the promotion or protection of the interests of the inhabitants of their borough, as are conferred on borough councils outside London by the Borough Funds Act, 1872, and the provisions of that Act shall extend to the council of a metropolitan borough as if that council were included in the expression ‘governing body’ and the borough were a district in that Act mentioned.”

And the expression *borough* is defined by s. 9 of the Act of 1903, to include, for the purposes of that Act, a metropolitan borough.

IV. OTHER LOCAL AUTHORITIES.—There are no statutory provisions in the general law which expressly confer on local authorities, other than those already mentioned, power to promote or oppose Bills in Parliament; and any such authorities desirous of promoting or opposing Bills should carefully consider the cases which have been decided in the Courts in regard to the power of public trustees to expend their funds in promoting or opposing Bills by which their property, rights, or powers are affected. Among these cases, reference may, perhaps, be specially made to *Leith Council v. Commissioners for the Harbour and Docks of Leith*, [1899] A. C. 508; 68 L. J. P. C. 109; 81 L. T. 98; 64 J. P. 180; 15 T. L. R. 492, and *Att.-Gen. v. Major of Brecon*, 10 L. J. Ch. D. 204; 40 L. T. (N.S.) 52; 27 W. R. 332.

For further and more detailed information as to the powers and proceedings of local authorities in relation to this subject, reference should be made to the **HANDBOOK ON THE BOROUGH FUNDS ACTS** as affecting local authorities, with forms and precedents, by W. L. Williams (of Gray's Inn, Barrister-at-Law), published by Messrs. Butterworth & Co., 11 & 12, Bell Yard, Temple Bar, W.C.

Regulations and forms as to polls.—The **BOROUGH FUNDS ACTS (POLLS) ORDER, 1903**, issued by the Local Government Board on October 31st, 1903, in pursuance of paragraph (16) of the First Schedule to the Borough Funds Act, 1903, prescribes forms for requisitions, notices, and other documents, for use under that Schedule, and contains regulations which shall apply to, and be observed for the purposes of, or in connection with, every poll under the Act.

The provisions of that Schedule to the Act of 1903 and of the Order apply only to the promotion of Bills in Parliament by metropolitan borough councils, town councils, and urban district councils, or to the opposition to Bills by local authorities.

Approval of resolutions to promote or oppose Bills.—Section 5 of the Borough Funds Act, 1872, as amended by ss. 8 and 10 and the Second Schedule of the Borough Funds Act, 1903, enacts as follows :

“The approval of the Local Government Board shall not be
“given to any such resolution as aforesaid until the expiration
“of seven days after the second publication thereof, as provided by this Act, and in the meantime any ratepayer within
“the district of the governing body may give notice in writing
“to the Local Government Board objecting to such approval.”

An application by a local authority to the Local Government Board under this enactment for their approval of a resolution to promote or oppose a Bill in Parliament should be made in strict accordance with the printed instructions of that Board relative to such applications. The following sets of instructions are issued by the Board :

Promotion of Bills in Parliament—

County councils (S. 61 a).

Town councils (S. 62 a).

Urban district councils (S. 63 a).

Metropolitan borough councils (S. 82 a).

Opposition to Bills in Parliament—

County councils (S. 61).

Town councils (S. 62).

Urban district councils (S. 63).

Metropolitan borough councils (S. 82).

Copies of these instructions are supplied by the Board on request.

Examination and allowance of costs.—Section 6 of the Borough Funds Act, 1872, as amended by ss. 8 and 10 and the Second Schedule of the Borough Funds Act, 1903, provides that:

“All costs, charges, and expenses incurred under the provisions of this Act shall before the same become chargeable, be examined and allowed by some person to be authorised by the Local Government Board, as the case may be.”

Applications for the examination and allowance of costs under this section should be made to Sir Hugh Owen, G.C.B., who is the person appointed by the Local Government Board for the purpose. An application should be addressed as follows:

Sir HUGH OWEN, G.C.B.,
Local Government Board,
Whitehall,
London, S.W.,

and should be accompanied by the bills of costs taxed by the Taxing Officer of one of the Houses of Parliament.

Borrowing to defray costs of promoting and opposing Bills.

—There does not appear to be any provision in the general law which authorises the borrowing of money by local authorities to defray expenses incurred by them in promoting or opposing

Bills in Parliament. It is, consequently, the practice of local authorities to include in Bills which they are promoting a provision empowering them to borrow money in respect of the costs, charges, and expenses preliminary to and incidental to the preparing, applying for, obtaining, and passing of the local Act. A period of five years is usually allowed by Parliament for the repayment of loans for this purpose. In this connection, it may be pointed out that the Select Committee on Repayment of Loans recommended in their report (1902) that five years should be the ordinary maximum period for repayment of loans for the cost of promotion of private Bills.

Expenses of rural district council in opposing Bill.—Any expenses which may be legally incurred by a rural district council in opposing a Bill would be chargeable as general expenses on the rural district unless an Order were issued by the Local Government Board under s. 229 of the Public Health Act, 1875, declaring them to be chargeable as special expenses on the contributory place on behalf of which the opposition was undertaken. Any application to the Local Government Board for such an Order should be accompanied by:

- (1) A copy of a resolution of the rural district council directing the application to be made ;
- (2) A copy of any resolution which may have been passed by the parish meeting of the parish concerned consenting to the rural district council opposing the Bill ;
- (3) Bills of costs taxed by the Parliamentary Taxing Officer, together with the Taxing Officer's certificate ; and
- (4) A concise statement of the grounds on which the application is made and of the results of the opposition.

Parliamentary Papers (a).—The following are some of the more important papers issued by Parliament having general reference to the promotion of and opposition to Bills in Parliament :

(a) As to how such papers may be obtained, see under Part XLVI.—“Parliamentary and other Papers.”

STANDING ORDERS of House of Lords and House of Commons relative to private Bills and Bills for confirming provisional orders or certificates with instructions as to taxation of costs and schedule of fees to be charged.

NOTE.—These are issued annually.

RETURN of all expenses incurred by the London County Council in promoting and opposing Bills in Parliament in each session from 1889 to 1902 (inclusive). [No. 214, 1903.]

Ditto as regards each session from 1903 to 1906. [No. 386, 1906.]

RETURN of expenses incurred by each metropolitan borough council in promoting or opposing Bills in Parliament in each year since the council was established. [No. 385, 1906.]

RETURN of expenses incurred in each year from 1892 to 1898 in promoting and in opposing Private Bills before Parliament by each local authority in England and Wales, Scotland, and Ireland, by each harbour, navigation, pier, and port authority, and by each railway and other company; showing the number of Bills and the total expenses (in continuation of No. 356 of 1892); and a similar *Return* with regard to provisional orders. [No. 344, 1900.]

PART VIII.—BOARDING-OUT OF PAUPER CHILDREN.

General Orders.—The boarding-out of pauper children is regulated by two General Orders of the Local Government Board; the one, dated May 28th, 1889, and known as the Boarding of Children in Unions Order, 1889, relating to the boarding of children in homes within the limits of the union, and the other, dated December 4th, 1905, and known as the Boarding-Out Order, 1905, relating to the boarding-out of children in homes beyond the limits of the poor law union to which the children belong.

The latter Order rescinded a previous Order issued at the same time as the Boarding of Children in Unions Order, 1889, the rescinded Order being re-enacted with some important variations.

Memorandum of Local Government Board.—The Board in June, 1900, issued a Memorandum on the subject of boarding-out of children, which dealt with the provisions of the two General Orders of May 28th, 1889, but as one of these two Orders has been superseded by the Order of 1905 above referred to, that Memorandum is to some extent obsolete. The following summary of the provisions of the two Orders now in force, contains, however, such of the remarks in that Memorandum as are now applicable.

SUMMARY OF PROVISIONS OF ORDERS.

I.—*The Boarding-Out Order, 1905.*

1. Article I. of this Order enables the guardians of a poor law union in England and Wales to board-out pauper children chargeable to the union in homes beyond the limits thereof

in accordance with arrangements made with a boarding-out committee having authority in that behalf and constituted as required by the Order.

2. Article II. provides that a boarding-out committee shall consist of persons who are approved by the Board, and who have signed an engagement in a form prescribed by the Order, and who have obtained the Board's written authority to make arrangements with boards of guardians for the purpose of finding and superintending homes for pauper children within an area comprising the parish or parishes specified in the authority. The committee must comprise not less than three members, one at least of which must be a woman. Any person deriving any pecuniary or other personal profit from the boarding-out of any child is thereby disqualified from becoming or continuing to be a member of a committee. The Article further makes provision with respect to changes of membership of the committee and of the area for which the committee acts; an additional or substituted member of a committee being now required to sign an engagement in a prescribed form.

Article III. requires a committee to appoint a secretary, and empowers them to appoint a presiding chairman. The secretary is required to punctually inform the Board of any vacancy occurring in the committee, and to make a half-yearly report to the Board of the names and addresses of the members of the committee in a prescribed form.

Article IV. requires that before a child is boarded-out, the arrangements with the committee shall be defined and embodied in an agreement, in the form prescribed by the Order and approved by the Board, and the guardians are empowered to include in the agreement conditions as to the production to the guardians of vouchers for disbursements by the committee.

Article V. empowers the guardian to withdraw a child from a home, but, except in cases of urgent necessity, the guardians must give the committee not less than a week's notice of the intended withdrawal.

The regulations to be observed by guardians in the boarding-out of pauper children are contained in Article VI. Clause No. 1 determines the classes of children who may be boarded-out; they are to be (a) orphan or deserted children as defined

by Article XVI. of the Order, and these definitions practically include all those children who by the death, desertion, or permanent disability of their parents are virtually orphans, or (b) children in respect of whom the powers and rights of a parent are, under the Poor Law Acts of 1889 and 1899, vested in the guardians. Clause No. 2 fixes the limits of age within which a child may be first boarded-out. Clause No. 3 determines the number of children who may be boarded-out in the same house at the same time. Clauses No. 4 and No. 5 prohibit the boarding-out of a child with a person who is or who has been within twelve months preceding or who becomes in receipt of relief, or who is of a religious creed different from that to which the child belongs. Clauses No. 6 and 7 prohibit the boarding-out of children in premises licensed for the sale of intoxicating liquors or with any person convicted of an offence which renders him unfit to be a foster parent. Clause No. 8 requires that before being boarded-out a medical certificate, in a prescribed form, shall be forwarded by the guardians to the boarding-out committee. Clause No. 9 specifies the engagements required to be entered into by a person before receiving a child to be boarded-out with him. A form of undertaking is given in the schedule to the Order, and a copy of the undertaking is to be retained by the foster-parent, so that he may at any time be able to satisfy himself, by reference to it, as to the nature of the obligations which he has incurred in regard to the child. Clause No. 10 requires an acknowledgment to be given by a foster-parent on the delivery of a child into his care. Clause No. 11 fixes the sum at 5s. per week as the maximum amount which may be paid by guardians to a foster-parent for the maintenance of a child, inclusive of lodging, but exclusive of clothing, school-fees, fees for medical attendance, medicines, medical or surgical appliances, and extras ordered by a medical attendant. Within the limit of 4s. the settlement of the terms is left to the free action of the committees and the boards of guardians. Clause No. 12, which is a new provision, prohibits the insurance by the foster-parent of a child against death or sickness. Clause No. 13 governs the school arrangements for boarded-out children, and to the provisions of this clause the Board attach very great importance, inasmuch as the receipt by the guardians at regular intervals of reports direct from the schoolmasters of the schools at which the children attend should afford very valuable information as to the health, condition,

and treatment of the children. Clause No. 14 prohibits, except with the consent of the Board, the boarding-out of a child in a home which is distant more than three miles from the residence of some member of the boarding-out committee. The authority for the establishment of a committee specifies the parishes within which the committee are authorised to place children, and the effect of Clause No. 14 is that no child can be boarded-out even within the specified parishes where the home is distant more than three miles from the residence of a member of the committee.

Article VII. directs that every boarded-out child and its home shall be visited, not less often than once in every six weeks, by a member of the boarding-out committee, and that the visitor shall make a report in writing to the committee, in a form prescribed by the Order. The Order requires the report to be forwarded by the committee to the guardians not less often than quarterly.

The Board consider that as the committee are jointly responsible for the children under their charge, meetings of the committee should be held at fixed dates, at which these reports should be read out before being forwarded to the guardians, and the engagement to be entered into by a proposed boarding-out committee now requires them to engage that meetings of the committee shall be held not less often than quarterly after due notice to every member, that a book shall be kept containing a record of the proceedings of each meeting, and that the minutes of the last meeting shall be read at the next succeeding meeting and signed by the presiding chairman, who shall be a member of the committee, other than the person appointed to act as secretary.

The success of the boarding-out system appears to the board to depend entirely on the thoroughness and frequency of the inspection of the homes and the children placed in them. If cases should occur of boarding-out committees becoming remiss in this respect, immediate action will have to be taken either for the removal of the children or for their inspection by other means. Accordingly, Article VII. of the Order further prescribes, that if for four consecutive months the guardians do not receive any report of a visit to a boarded-out child, the guardians must either arrange for the visiting of the child by one of their own officers at intervals of not more than six weeks until they again receive the reports from the committee,

or must withdraw the child from the home. Where the guardians do not receive the reports required by the Order it is desirable that they should acquaint the Board with the fact.

Similarly, Article IX. directs that if the authority given by the Board is withdrawn by them from any boarding-out committee, the guardians shall either take back the children or themselves provide inspection.

Where children are boarded-out by guardians at a long distance from their own union, it may often be inconvenient, except in the case of many children being placed in the same neighbourhood, for the guardians to arrange for the visitation of the children by their own officer as frequently as the Board deem indispensable when inspection by members of the committee has ceased. It follows, therefore, that if the voluntary boarding-out committees should allow their vigilance or their interest to flag, the guardians will, in all probability, seldom have any alternative but to take back the children.

Article VIII. of the Order provides for quarterly returns being made to the Board as to the children boarded-out under the Order in forms prescribed by the Order. A return is to be made by the clerk to the guardians as soon as practicable after the first day of April and the first day of October in every year, and another return is to be made by the secretary of each boarding-out committee as soon as practicable after the first day of January and the first day of July in every year.

Article X. provides for the payment of the expenses of the conveyance of a child to and from the home in which the child is boarded-out.

Article XI. directs that any relief given to a deserted child by boarding-out such child may be given by way of loan to the parent. Where this course is adopted, the guardians will, in the event of the parent returning, be enabled to proceed against him for the recovery of the whole or a portion of the relief so given.

The Board consider it advisable, as a general rule, that the allowance to a foster-parent should be paid weekly, and to enable this to be done as far as possible, Article XII. provides that the guardians may advance to the boarding-out committee, quarterly, such sum as, in pursuance of the agreement made by the guardians with the committee, may reasonably be expected to be incurred by the committee during the ensuing quarter.

II.—*The Boarding of Children in Unions Order, 1889.*

This Order enables the guardians of every poor law union named in the schedule thereto to board orphan or deserted children within their own union, and defines "orphan child" and "deserted child" in terms corresponding with those in the Boarding-out Order, 1889. This Order, unlike the Boarding-out Order, does not apply to children over whom the guardians have acquired the rights of parents under the Poor Law Acts, 1889 or 1899.

The children may, subject to regulations contained in the Order, be boarded either directly by the guardians, or, with the Board's consent, under arrangements entered into by the guardians with a duly authorised boarding-out committee. The provisions in the Order as to the constitution of boarding-out committees corresponded with those in the Boarding-out Order of 1889, which was superseded by the Order of 1905 before referred to, and the additional provisions prescribed by Article IX. in regard to any case where guardians board children within their own union under the superintendence of a committee render the regulations in such a case for the most part analogous to those prescribed by the rescinded Boarding-out Order. The Order of 1905, which has been summarised above in the main, followed the provisions of the rescinded Order of 1899, the principal difference being that the latter Order did not affect children adopted by the guardians, and prescribed 4s. instead of 5s. as the maximum amount of the weekly payment to a foster-parent for each child. It is therefore unnecessary to give any detailed account of the provisions of the Boarding in Union Order of 1899, and it will be sufficient to refer especially to Clauses No. 6 and No. 7 of Article IX. with respect to the payment of the allowances to foster-parents, and to the power of the guardians, if they think fit, to dispense with the visits and reports of the relieving officer and medical officer which are referred to in Articles III. and IV. of the Order.

General Observations.

The Memorandum of June, 1900, above referred to, contained a number of general observations. In the following summary, the observations have been revised so as to refer to the Boarding-out Order of 1905 instead of the earlier Order of 1889.

The Board's attention has been drawn to cases in which children have been boarded-out with foster-parents having no

means of support apart from the allowances made by guardians for the benefit of the children boarded-out. The Board cannot but consider that such a practice must be injurious to the best interests of the children, and they trust that in future no children will be placed with foster-parents who have not some adequate means of support.

Particular notice is directed to the following recommendations referring to points in the boarding-out system to which, while anxious not unnecessarily to fetter by stringent rules the discretion of the guardians or of the boarding-out committees, the Board are desirous that careful attention should be paid, viz.:

- (1) That children should not, except in special cases, be boarded-out with relations.
- (2) That children should not be boarded-out in any home where the father is employed in night-work; and that in every case the foster-parents should be by preference persons engaged in out-door, not in sedentary labour.
- (3) That in choosing the home especial attention should be paid to decent accommodation and to the proper separation of the sexes in the sleeping rooms. Children over seven years of age should never be allowed to sleep in the same room with married couples.
- (4) That no child should be boarded-out in a home where sleeping accommodation is afforded to an adult lodger.
- (5) That particular attention should in all cases be paid to the schoolmaster's quarterly report; and if after two warnings to the foster-parents the report continue unfavourable, the child should be withdrawn, and either transferred to another home or sent back to the union or parish from which it came.
- (6) That great care should always be given to providing the children with good ordinary clothing. No child should be boarded-out by the guardians without a suitable outfit, for the repair and renewal of which a quarterly allowance, not exceeding 10s., should be made to the foster-parents, through the committee, by the guardians. Anything resembling a "work-house uniform" should be carefully avoided.

The attention of boarding-out committees should be specially given to Article IV. of the Boarding-out Order, 1905, and to Article VIII. of the Boarding of Children in Unions Order, 1889, under which it devolves upon them from time to time to appoint one of their members to act as secretary. It is the duty of the secretary to punctually inform the Board of any vacancies which may be caused by death, resignation, or otherwise amongst the members of the committee. In compliance with Articles IV. and VIII. (2) of the Boarding-out Order, 1905, or Articles VIII. and IX., No. 9, of the Boarding of Children in Unions Order, 1889, the secretary must furnish the Board, as soon as practicable after the 1st of January and the 1st of July in every year, with the names and addresses of the members of the committee and also with a return in a prescribed form of the children remaining boarded-out on those dates. Forms for the purpose may be obtained on application to the Board (*a*).

It is important that boarding-out committees should realise the necessity of frequent and close inspections of the homes of the children as well as of the children themselves. The Board have found that in some cases sufficient supervision has not been exercised by the boarding-out committees over the children and the homes, and, as a general rule, it is in these cases that the boarding-out system would appear to have been least successful. The Board cannot insist too strongly upon the importance of a close inquiry, by the boarding-out committees, into all matters affecting the health and condition of the children, such as food, clothing, cleanliness, and sleeping arrangements.

With regard to the clothing of the children, cases have been found where foster-parents had received for its repair and renewal the full allowance provided for in the undertaking, but had evidently not applied the amount to the purpose for which it was given. The Board consider that where the committee receive from the guardians a payment to enable them to provide for the repair and renewal of the clothing, it is incumbent upon the committee to see that the allowance is properly applied, and that each child has always a sufficient stock of clothes.

The members of a boarding-out committee shall bear in

(*a*) The forms referred to are numbered 118 A. [for names and addresses of members of committee] and 115 A. [for return as to children boarded-out].

mind that they are jointly responsible for all children entrusted to the care of the committee, and that the visitation of each child should not be entirely left in the hands of an individual member of the committee. The Board have reason to believe that in some instances persons have consented to become members of committees under a misapprehension as to the responsibility they would thereby incur.

Formation of boarding-out committee.—Before submitting proposals to the Local Government Board for the formation of boarding-out committees, the General Orders and Memorandum of that Board, to which reference has already been made, should be carefully considered.

In connection with such proposals, the Board point out that, as will be seen from Article 2 of the Boarding-out Order, 1905, and Article 6 of the Boarding of Children in Unions Order, 1889, it is requisite that a boarding-out committee (which should be established within a defined area) should consist of three or more persons. In the case of a committee under the Order of 1905 it is required, and in the case of a committee under the Order of 1889 it is desirable, that one or more of these should be ladies, and, in determining the number of members of which the committee should consist, the chief point to consider is that the number should be sufficient to ensure that the duty of visiting the children, which is one of the most important duties imposed upon the members of the committee, may be performed with care and regularity. The proposed members of the committee should bear in mind that they will be jointly responsible for all children who may be entrusted to the care of the committee and must enter into an engagement in the official form (151 A.) (a). This form, when signed by the members, must be transmitted to the Board, who, if they approve of the proposed committee, will issue the requisite authority enabling the committee to act within the specified area. It would then rest with the committee to communicate to boards of guardians their desire to find homes for orphan or deserted pauper children, and, if the

(a) Copies of this form are supplied by the Local Government Board on application.

guardians of any particular union or parish agree to place children under the care of the committee, an agreement in the official form (38 A.) (a) must be entered into and submitted for the Board's approval (b).

The Board consider it most important that proposed committee members should be made fully acquainted with the regulations and recommendations in their General Orders and Memorandum relating to the boarding-out of orphan or deserted pauper children, as they attach great weight to the due fulfilment by every member of the committee of the duties and responsibilities which the committee as a whole are called upon to discharge.

Returns as to the names and addresses of the members of the boarding-out committee and of the children boarded-out under their care must, in accordance with the requirements of the General Orders of the Local Government Board, be forwarded to that Board by the secretary of the committee as soon as practicable after *January 1st* and *July 1st* in each year. See Articles 4 and 8 (2) of the Boarding-out Order, 1905, and Articles 8 and 9 (Regulation No. 9) of the Boarding of Children in Unions Order, 1889. Forms for these purposes, numbered respectively 118 A. and 115 A., may be obtained from the Local Government Board.

Proposal to join boarding-out committee.—Persons desirous of becoming members of previously existing boarding-out committees should, after reading the General Order of the Local Government Board applicable to the committee, sign an engagement in the official form (167 A.) (a). The form should be forwarded to the Local Government Board by the secretary of the committee.

Withdrawal of authority from boarding-out committee.—The power to withdraw from a boarding-out committee authority to enter into arrangements with boards of guardians

(a) Copies of this form are supplied by the Local Government Board on application.

(b) It would appear to be the practice of the Local Government Board to signify their approval of such agreements by letter.

vests in the Local Government Board and not in the guardians. See Article 9 of the Boarding-out Order, 1905, and Article 9 (Regulation No. 10) of the Boarding of Children in Unions Order, 1889.

Any application to the Local Government Board to withdraw such authority from a boarding-out committee should set out concisely the grounds on which it is made.

Boarding-out inspectors.—The Local Government Board have appointed the under-mentioned ladies to be inspectors of children boarded-out beyond the limits of the unions to which they are chargeable :

Miss H. M. MASON (senior inspector),
 „ MARGARET PELL,
 „ B. WALTON EVANS.

Reports by these inspectors on the results of their inspections during the year are included in the annual reports of the Local Government Board.

In reference to these inspections, it is stated on p. cxxv. of the 36th Annual Report of the Board (1906—1907) that the responsibility for the care of the children boarded-out rests entirely with the boarding-out committees, and that the inspections of the children which are made by the Board's inspectors are for the purpose of ascertaining how the duties of the committees are discharged and cannot be regarded as in any way relieving the committees of their responsibility.

Parliamentary Paper (a).—The following return was made by the Local Government Board to an Order of the House of Commons dated March 22nd, 1897 :

RETURN of payments made by boards of guardians for children boarded-out beyond the union under the Boarding-out Order and of the under-mentioned particulars :

1. Name of union.
2. Name of boarding-out committee to which children sent.

(a) As to how such papers may be obtained, see under Part XLVI., "Parliamentary and other Papers."

88 PART VIII.—BOARDING-OUT OF PAUPER CHILDREN.

3. Number of children who are boarded-out with committee.
4. Rate of payment for each child per week.
5. Average cost of each child per annum for—
 - (a) Clothing;
 - (b) Medical attendance;
 - (c) School fees;
 - (d) Other items (if any).
6. Number of children from the union who have been boarded-out with the boarding-out committee.
7. Number of children who have ceased to be chargeable to the rates in consequence of employment obtained for them by the boarding-out committee.
8. Average age of children who have ceased to be chargeable (a) boys; (b) girls.
9. Number of children returned to the union by the boarding-out committee—
 - (a) On account of bodily or mental infirmity (i) boys; (ii) girls;
 - (b) For other causes (i) boys; (ii) girls.
10. Remarks.

Mr. MUNDELLA. [*No. 353. 1897. Price 3d.*]

QUESTIONS IN PARLIAMENT.

[*House of Commons.*]

The following particulars with respect to the number of children boarded-out in England and Wales have been given

by various Presidents of the Local Government Board in the House of Commons in reply to questions on the subject :—

Date.	Number of Children Boarded-out.		
	Within Union.	Beyond Union.	Total.
January 1st, 1904	6581	1791	8372
„ 1905	6814	1806	8620
„ 1906	6963	1818	8781
„ 1907	6806	1853	8659

PART IX.—BOROUGH AND COUNTY BOUNDARIES.*

ALTERATIONS OF BOROUGH AND COUNTY BOUNDARIES AND THE CONSTITUTION OF COUNTY BOROUGHES.

Statutory provisions.—Section 54 (1) of the Local Government Act, 1888, provides (*inter alia*) that, whenever it is represented by the council of any county or borough to the Local Government Board—

- “ (a) that the alteration of the boundary of any county or
“borough is desirable; or
 - “ (b) that the union, for all or any of the purposes of this
“Act, of a county borough with a county is desirable; or
 - “ (c) that the union, for all or any of the purposes of this
“Act, of any counties or boroughs or the division of
“any county is desirable; or
 - “ (d) that it is desirable to constitute any borough having a
“population of not less than fifty thousand into a
“county borough;
-
- “the Local Government Board shall, unless for special reasons
“they think that the representation ought not to be entertained, cause to be made a local inquiry, and may make an
“order for the proposal contained in such representation, or
“for such other proposal as they may deem expedient, or may
“refuse such order, and if they make the order may by such
“order divide or alter any electoral division.”

And sub-ss. (3) and (4) of that section enact as follows :

* **BIBLIOGRAPHY.**—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. i. pp. 574—582; vol. ii. pp. 343—346. "Encyclopædia of Forms and Precedents," vol. viii. pp. 134—192. Hunt's "Boundaries and Fences."

• “(3) Provided that if the order alters the boundary of a county or borough, or provides for the union of a county borough with a county, or for the union of any counties or boroughs, or for the division of any county, or for constituting a borough into a county borough, it shall be provisional only, and shall not have effect unless confirmed by Parliament.

“(4) Where such order alters the boundary of a borough, it may, as consequential upon such alteration, do all or any of the following things, increase or decrease the number of the wards in the borough, and alter the boundaries of such wards, and alter the apportionment of the number of councillors among the wards, and alter the total number of councillors, and in such case, make the proportionate alteration in the number of aldermen.”

Section 55 of the Act provides, in relation to the amalgamation of boroughs, that—

“(1) Where the Local Government Board make a provisional order for uniting two county boroughs, such order may make them one borough and one county for the purposes of this Act.

“(2) Such order, and also any other order under this Act for uniting boroughs, whether county boroughs or not, may also contain such provisions as may seem necessary or proper for regulating the division of the combined borough into wards, the number of councillors to be elected for each ward, and the first election of the council of the combined borough, and for providing for the clerks of the peace, coroners, town clerks, and officers of the boroughs, and the application to them of the provisions of this Act as to existing officers, and for providing for all matters incidental to or consequential on the union of the boroughs.

“(3) When any such provisional order is confirmed, it shall be lawful for Her Majesty to grant a commission of the peace and court of quarter sessions to the combined borough in like manner as to any other borough under the Municipal Corporations Act, 1882, and the provisional order may contain such provisions as appear necessary or proper for regulating all matters incidental to such grant, and to the

“changes caused by the union of the boroughs in matters connected with such commission or court or otherwise with the administration of justice.”

Sub-sections (1) and (4) of s. 59 of the LOCAL GOVERNMENT ACT, 1888, are in the following terms :

“(1) A scheme or order under this Act may make such administrative and judicial arrangements incidental to or consequential on any alteration of boundaries, authorities, or other matters made by the scheme or order as may seem expedient.

“(4) Any scheme or order made in pursuance of this Act may, so far as may seem necessary or proper for the purposes of the scheme or order, provide for all or any of the following matters, that is to say,—

“(a) may provide for the abolition, restriction, or establishment, or extension of the jurisdiction of any local authority in or over any part of the area affected by the scheme or order, and for the adjustment or alteration of the boundaries of such area, and for the constitution of the local authorities therein, and may deal with the powers and duties of any council, local authorities, quarter sessions, justices of the peace, coroners, sheriff, lieutenant, custos rotulorum, clerk of the peace, and other officer therein, and with the costs of any such authorities, sessions, persons, or officers as aforesaid, and may determine the status of any such area as a component part of any larger area, and provide for the election of representatives in such area, and may extend to any altered area the provisions of any local Act which were previously in force in a portion of the area ; and

“(b) may make temporary provision for meeting the debts and liabilities of the various authorities affected by the scheme or order, for the management of their property, and for regulating the duties, position, and remuneration of officers affected by the scheme or order, and applying to them the provisions of this Act as to existing officers ; and

- '(c) may provide for the transfer of any writs, process,
 "records, and documents relating to or to be executed
 "in any part of the area affected by the scheme or
 "order, and for determining questions arising from
 "such transfer ; and
- "(d) may provide for all matters which appear necessary
 "or proper for bringing into operation and giving
 "full effect to the scheme or order ; and
- "(e) may adjust any property, debts, and liabilities affected
 "by the scheme or order."

And it is, amongst other things, provided by sub-s. (6) of that section that, where the order is required to be confirmed by Parliament, such order may amend any local and personal Act.

Section 54 (1) of the Local Government Act, 1894, enacts (*inter alia*) that, where the area of an urban district is extended, then—

- (a) As respects any rural parish or part of a rural parish which will be comprised in the urban district, provision shall be made, either by the constitution of a new parish or by the annexation of the parish or parts thereof to another parish or parishes, or otherwise, for the appointment of overseers and for placing the parish or part in the same position as other parishes in the district ; and
- (b) As respects any parish or part which remains rural, provision shall be made for the constitution of a new parish council for the same, or for the annexation of the parish or part to some other parish or parishes, or otherwise for the government of the parish or part, and
- (c) Provision shall also where necessary be made for the adjustment of any property, debts, and liabilities affected by the said extension.

And it is further provided by that section that the provision aforesaid shall be made by an Order of the Local Government Board under s. 54 of the Local Government Act, 1888 ; and

that, where the area of an urban district is *diminished*, the section shall apply with the necessary modifications [sub-ss. (2) and (3)].

1. Alteration of borough boundaries.—1. APPLICATIONS FOR PROVISIONAL ORDERS.—Applications to the Local Government Board for Provisional Orders under s. 54 of the Local Government Act, 1888, with respect to the alteration of the boundaries of boroughs should be made in strict accordance with *Provisional Order Instructions D.* and *Provisional Order Instructions D. (A.)* of that Board. These instructions are revised and re-issued annually—usually in the first week of September. Copies may be obtained on application to the Board.

2. Views of Local Government Board.—The views of the Local Government Board as to the objection to including agricultural land in boroughs may be gathered from the following remarks made in connection with the application for a Provisional Order for the enlargement of the city of Wakefield by the inclusion of a part of the parish of Alverthorpe:

“We desire to observe in connection with this branch of our work that there is a tendency on the part of some town councils to include in their representations to us in favour of alterations of borough boundaries large areas of agricultural land. The reason generally given for adopting this course is that it is unfair to include within the municipal boundary only the populous and therefore highly-rated portion of a suburban parish, and thus to leave the rural and agricultural areas to provide for the cost of such works as may be necessary in these areas. We do not consider, however, that large areas of an essentially rural character which are not likely to be developed for building purposes in the near future should be brought within municipal limits.” [29th Annual Report, p. xxxii.]

Section 54 (1) of the Local Government Act, 1888, requires the Local Government Board to cause a local inquiry to be made into a proposal for the alteration of the boundary of a

borough, unless for special reasons they think that the representation ought not to be entertained.

The following extracts from the annual reports of the Local Government Board will serve to show the nature of the reasons which influence the Board in declining to entertain applications of this kind :

“In the case of Rochester, the area proposed to be included in the city consisted of 323 acres of land covered almost entirely by woods. There was no indication that the town was spreading in this direction or likely to do so, and in these circumstances we were of opinion that the case was one in which there were special reasons why inquiry should not be held. The application was therefore refused after correspondence with the town council.” [33rd Annual Report (1903—1904), p. xxxiii.]

“The representation from Dover advocated the addition to that borough of a very large area in the Dover rural district. As it seemed to us to be improbable that an extension could be granted on the scale suggested, we did not feel justified in putting the promoters and opponents of the scheme to the expense incidental to a formal inquiry, and we therefore declined to entertain the application as it stood.” [31st Annual Report (1901—1902), p. xxxii.]

“In the Bewdley case we declined to entertain the proposal owing to the defective sanitary condition of the borough.” [28th Annual Report (1898—1899), p. xxxii.]

“In the case of Shaftesbury we gave instructions for an informal investigation of the facts with the view of ascertaining whether any *prima facie* grounds existed for an extension of the borough. As a result we declined to entertain any proposal for extension while the town remained without an efficient system of sewerage, scavenging, and public lighting.” [23rd Annual Report (1893—1894), p. xxxv.]

3. **Local inquiries.**—The Annual Reports of the Board show that, in some cases, as in that of Shaftesbury above referred to, the Local Government Board, before determining whether the proposal is one which they could entertain, direct one of their inspectors to visit the locality for the purpose of making an informal investigation of the facts, and that, in the event of

their deciding to entertain the representation, a formal local inquiry is then directed as required by the statute.

Public notice of local inquiries with regard to proposals for the alteration of borough boundaries is given by the Local Government Board to all local authorities and other public bodies concerned; and the authority making the application is required to cause notice of the inquiry to be advertised in a local newspaper circulating in the areas affected in two successive weeks preceding the date of the inquiry and to post printed notices thereof on the church and chapel doors and wherever in such areas public notices are usually exhibited. The notice for advertising is prepared by the Local Government Board, and the printed notices are also supplied by them.

The Local Government Board state that, in making any arrangements which may be considered desirable for the representation of their interests at the inquiry, the parties must understand that, if it should be impracticable to conclude the inquiry in one day, the inquiry will be continued from day to day until completion, the hours of each sitting being regulated by the inspector.

The mode of conducting the inquiry is, of course, in the discretion of the inspector, but it is usual for the promoters to open their case with a full statement of their proposals and the reasons on which they rely to support their representation; this statement is followed by the examination of such witnesses as the promoters may elect to call and the cross-examination of any such witnesses by the persons who may appear in defence of opposing interests: the case for the opposition is then taken.

4. Boroughs altered by Provisional Orders.—The following is a list, alphabetically arranged, of the cases in which Provisional Orders have been issued by the Local Government Board under the Local Government Act, 1888, and confirmed by Parliament between the coming into operation of that Act and December 31st, 1907, for altering the boundaries of boroughs:

Borough.	Year.	Title, etc., of Confirming Act.	
		The Local Government Board's Provisional Orders Confirmation—	
Abingdon . . .	1890	(No. 9) Act, 1890 . . .	53 & 54 Vict. c. clxxviii.
Arundel . . .	1902	(No. 7) " 1902 . . .	2 Edw. 7, c. ccix.
Ashton-under-Lyne . . .	1898	(No. 11) " 1898 . . .	61 & 62 Vict. c. lxxxiii.
Banbury . . .	1889	(No. 15) " 1889 . . .	52 & 53 Vict. c. cxvi.
Barnstaple . . .	1899	(No. 7) " 1899 . . .	62 & 63 Vict. c. cxi.
Basingstoke . . .	1891	(No. 9) " 1891 . . .	54 & 55 Vict. c. ccx.
Birmingham . . .	1891	(No. 13) " 1891 . . .	" " c. clxi.
Blandford Forum . . .	1889	(No. 9) " 1889 . . .	52 " 53 Vict. c. cxii.
Bournemouth . . .	1895	(No. 16) " 1895, sess. 2	59 Vict. c. x.
" . . .	1901	(No. 7) " 1901 . . .	1 Edw. 7, c. clxxviii.
Bradford . . .	1899	(No. 12) " 1899 . . .	62 & 63 Vict. c. cxlix.
Bridgwater . . .	1896	(No. 1) " 1896 . . .	59 & 60 Vict. c. lxxiv.
Bridport . . .	1901	(No. 6) " 1901 . . .	1 Edw. 7, c. cxlviii.
Burslem . . .	1891	(No. 15) " 1891 . . .	54 & 55 Vict. c. ccxxiii.
Calne . . .	1889	(No. 6) " 1889 . . .	52 & 53 Vict. c. xli.
Canterbury . . .	1890	(No. 9) " 1890 . . .	53 & 54 Vict. c. clxxviii.
Cardiff . . .	1895	(No. 4) " 1895 . . .	58 & 59 Vict. c. lxxxv.
Chard . . .	1892	(No. 6) " 1892 . . .	55 & 56 Vict. c. cxvii.
Chelmsford . . .	1897	(No. 7) " 1897 . . .	60 & 61 Vict. c. lxxii.
" . . .	1907	(No. 8) " 1907 . . .	7 Edw. 7, c. clviii.
Cheltenham . . .	1893	Act, 1893 . . .	56 & 57 Vict. c. cviii.
Chepping Wycombe . . .	1901	(No. 6) Act, 1901 . . .	1 Edw. 7, c. cxlviii.
Chester . . .	1898	(No. 11) " 1898 . . .	61 & 62 Vict. c. lxxxiii.
Chesterfield . . .	1892	(No. 14) " 1892 . . .	55 & 56 Vict. c. ccxxiv.
Chichester . . .	1893	(No. 16) " 1893 . . .	56 & 57 Vict. c. cxxxii.
" . . .	1895	(No. 16) " 1895, sess. 2	59 Vict. x.
Chippenham . . .	1889	(No. 6) " 1889 . . .	52 & 53 Vict. c. xli.
Clitheroe . . .	1895	(No. 4) " 1895 . . .	58 & 59 Vict. c. lxxxv.
Coventry . . .	1890	(No. 13) " 1890 . . .	53 & 54 Vict. c. ccii.
" . . .	1899	(No. 12) " 1899 . . .	62 & 63 Vict. c. cxlix.
Crewe . . .	1892	(No. 11) " 1892 . . .	55 & 56 Vict. c. cci.
Devonport . . .	1898	(No. 10) " 1898 . . .	61 & 62 Vict. c. ccxi.
Dorchester . . .	1900	(No. 9) " 1900 . . .	63 & 64 Vict. c. clxxviii.
Dover . . .	1895	(No. 16) " 1895, sess. 2	59 Vict. c. x.
" . . .	1903	(No. 13) " 1903 . . .	3 Edw. 7, c. cxxxvii.
Dunstable . . .	1907	(No. 6) " 1907 . . .	7 Edw. 7, c. clvi.
Durham and Framwelgate. . .	1905	(No. 11) " 1905 . . .	5 Edw. 7, c. cvii.
East Ham . . .	1907	(No. 12) " 1907 . . .	7 Edw. 7, c. clxii.
Falmouth . . .	1892	(No. 11) " 1892 . . .	55 & 56 Vict. c. cci.
Faversham . . .	1889	(No. 14) " 1889 . . .	52 & 53 Vict. c. clxxii.
Gloucester . . .	1900	(No. 14) " 1900 . . .	63 & 64 Vict. c. clxxxiii.
Godalming . . .	1892	(No. 11) " 1892 . . .	55 & 56 Vict. c. cci.
Great Yarmouth . . .	1890	(No. 13) " 1890 . . .	53 & 54 Vict. c. ccii.
Guildford . . .	1904	(No. 11) " 1904 . . .	4 Edw. 7, c. clxi.
Halifax . . .	1892	(No. 10) " 1892 . . .	55 & 56 Vict. c. cxxxii.
" . . .	1899	(No. 7) " 1899 . . .	62 & 63 Vict. c. cxi.
Hanley . . .	1905	(No. 11) " 1905 . . .	5 Edw. 7, c. cvii.
Harrogate . . .	1900	(No. 10) " 1900 . . .	63 & 64 Vict. c. clxxix.
Hartlepool . . .	1897	(No. 11) " 1897 . . .	60 & 61 Vict. c. cxxxviii.
Hastings . . .	1897	(No. 17) " 1897 . . .	" " c. cxliv.
Henley-on-Thames . . .	1892	(No. 6) " 1892 . . .	55 & 56 Vict. c. cxvii.
Hertford . . .	1892	(No. 10) " 1892 . . .	" " c. cxxxii.
Heywood . . .	1900	(No. 10) " 1900 . . .	63 & 64 Vict. c. clxxix.
Huddersfield . . .	1890	(No. 15) " 1890 . . .	53 & 54 Vict. c. cciv.
Keighley . . .	1895	(No. 20) " 1895, sess. 2	59 Vict. c. xiv.
Lancaster . . .	1900	(No. 12) " 1900 . . .	63 & 64 Vict. c. clxxxi.
Launceston . . .	1889	(No. 14) " 1889 . . .	52 & 53 Vict. c. clxxii.
Leamington. See Royal Leamington Spa. . .			
Liverpool . . .	1895	(No. 10) " 1895, sess. 2	59 Vict. c. vii.
" . . .	1902	(No. 7) " 1902 . . .	2 Edw. 7, c. ccix.

5. **Boroughs altered by local Acts.**—During the same period, that is, 1889 to 1907 (inclusive), the boundaries of the under-mentioned boroughs were altered by means of local Acts. In most of these cases the Bill for the local Act contained provisions dealing with other matters for which Parliamentary sanction could only be obtained by means of a local Act and not by Provisional Order.

Borough.	Year.	Title, etc., of Local Act.	
Birkenhead .	1891	Birkenhead Corporation Act, 1891	54 & 55 Vict. c. lxxxvii.
" .	1897	" " " " 1897	60 & 61 Vict. c. xcix.
Blackburn .	1901	Blackburn Corporation Act, 1901	1 Edw. 7, c. cxxxiii.
Bolton .	1898	Bolton, Turton, and Westhoughton Extension Act, 1898.	61 & 62 Vict. c. cxxlii.
Bootle .	1890	Bootle Corporation Act, 1890	53 & 54 Vict. c. cxcix.
" .	1905	" " " " 1905	5 Edw. 7, c. cliv.
Bristol .	1895	Bristol Corporation Act, 1895	58 & 59 Vict. c. clvii.
" .	1897	" " " " 1897	60 & 61 Vict. c. cxxx.
" .	1901	Bristol Docks and Railways Act, 1901.	1 Edw. 7, c. cclxiv.
" .	1902	Bristol Corporation Act, 1902	2 Edw. 7, c. cxlii.
" .	1904	" " " " 1904	4 Edw. 7, c. cxxxiii.
Burnley .	1889	Burnley Corporation Act, 1889	52 & 53 Vict. c. lv.
Carmarthen .	1898	Carmarthen Improvement Act, 1898.	61 & 62 Vict. c. cviii.
Derby .	1901	Derby Corporation Act, 1901	1 Edw. 7, c. cclxvii.
Devonport .	1900	Devonport Corporation Act, 1900	63 & 64 Vict. c. cclxiii.
Exeter .	1900	Exeter Corporation Act, 1900	" " " c. cxxxii.
Great Yarmouth.	1897	Great Yarmouth Corporation Act, 1897.	60 & 61 Vict. c. cciv.
Grimsby .	1889	Grimsby Extension and Improvement Act, 1889.	52 & 53 Vict. c. xxxiv.
Halifax .	1900	Halifax Corporation Act, 1900	63 & 64 Vict. c. cxxxiv.
" .	1902	" " " " 1902	2 Edw. 7, c. cxxiv.
Kingston-upon-Hull.	1897	Kingston-upon-Hull Corporation Act, 1897.	60 & 61 Vict. c. cclix.
Leicester .	1891	Leicester Extension Act, 1891	54 & 55 Vict. c. c.
Liverpool .	1890	Liverpool Corporation Act, 1890	53 & 54 Vict. c. clxix.
Lowestoft .	1901	Lowestoft Corporation Act, 1901	1 Edw. 7, c. cxciv.
Manchester .	1901	Manchester Corporation Act, 1901	" " " cxcviii.
" .	1903	" " " " 1903	3 Edw. 7, c. cxxiii.
" .	1904	Manchester Corporation (General Powers) Act, 1904.	4 Edw. 7, c. cxxxv.
Newport (Mon.)	1889	Newport (Monmouthshire) Corporation Act, 1889.	52 & 53 Vict. c. clii.
" "	*	Alexandra (Newport and South Wales) Docks and Railways Act 1904.	4 Edw. 7, c. cxclii.
Plymouth .	1897	Plymouth Corporation Act, 1897.	60 Vict. c. l.
" .	1898	" " " " 1898.	61 & 62 Vict. c. cxxxix.
Salford .	1891	Salford Corporation Act, 1891	54 Vict. c. xiv.
Saint Helen's (Lancs.)	1893	Saint Helen's Corporation Act, 1893.	56 & 57 Vict. c. ccv.

* The date of the extension of this borough is dependent upon the completion of certain works.

Borough.	Year.	Title, etc., of Local Act.	
Saint Helen's (Lancs.)	1898	Saint Helen's Corporation Act, 1898.	61 & 62 Vict. c. cclviii.
Sheffield . . .	1900	Sheffield Corporation Act, 1900 .	63 & 64 Vict. c. cccxii.
Southport . . .	1900	Southport Extension and Tramways Act, 1900.	„ „ c. lxvi.
Stockton-on-Tees . . .	1889	Stockton-on-Tees Extension and Improvement Act, 1889.	52 & 53 Vict. c. xcii.
Swansea . . .	1889	Swansea Corporation Act, 1889 .	„ „ c. cxcix.
Walsall . . .	1890	Walsall Corporation Act, 1890 .	53 & 54 Vict. c. cxxx.
Warrington . . .	1890	Warrington Extension and Water Act, 1890.	„ „ c. cccxxvi.
Whitehaven . . .	1899	Whitehaven Corporation Act, 1899	62 & 63 Vict. c. cc.
Workington . . .	1899	Workington Corporation Act, 1899	„ „ c. cclx.

6. Differential Rating.—In any case in which it is proposed, as part of a scheme for the extension of a borough, to concede differential terms of rating as regards the area to be added, it is desirable that the town council should arrive at agreement with the parties concerned as to the precise terms of differential rating to be granted, and should submit the proposals in this respect for the consideration of the Local Government Board at the earliest practicable moment, and if possible, before the local inquiry into the representation of the town council in favour of the extension of the borough is held.

It would appear to be contrary to the practice of the Local Government Board to initiate proposals for differential rating or to advise as to the nature of the terms which would be appropriate to the circumstances of any particular case.

The following provisions with respect to differential rating in added areas, which were included in Provisional Orders issued by the Local Government Board and confirmed by Parliament during the years 1900—1907 (inclusive) for the extension of boroughs, are reproduced for the guidance of local authorities in formulating proposals of this character :

1900.

DORCHESTER.—Art. XXXI. of the Dorchester Order, 1900 :

“The general district rates to be levied within such portions
“of the Fordington added area the added part of Bradford
“Peverell the added part of Winterborne Herringstone and

“the added part of Winterborne Monckton being and remaining parcel of the possessions of the Duchy of Cornwall as shall be used solely for agricultural purposes shall not in any one year from the commencement of this Order exceed a sum of one shilling in the pound on buildings and threepence in the pound on agricultural land.”

GLOUCESTER.—Art. XXXIV. of the Gloucester (Extension) Order, 1900 :

“The general district rate to be levied on or in respect of the portion of the added part of Hempstead lying to the west of and including the waterway of the Gloucester and Sharpness Canal shall not in any one year during the period of seven years from the commencement of this Order exceed such an amount in the pound as when added to the poor rate and city or borough rate for the same year will make a total rate of four shillings in the pound.”

HARROGATE.—Art. XIX. of the Harrogate (Extension) Order, 1900 :

“(1) The general district rates to be levied in the added part of Bilton and in the added part of Pannal shall not in any one year during a period of seven years from the commencement of this Order exceed such an amount in the pound as when added to the poor rate and to the borough rate and any other rate made by the corporation in the same year will in respect of the assessment of any hereditament included in any such rate make up a total rate of four shillings and eightpence in the pound and during the eight years next following the expiration of the said period of seven years will in respect of the assessment of any hereditament included in any such rate make up a total rate in any one year of five shillings and eightpence in the pound.

“(2) The general district rates to be levied in the added part of Starbeck shall not in any one year during a period of seven years from the commencement of this Order exceed such an amount in the pound as when added to the poor rate and to the borough rate and any other rate made by the corporation in the same year will in respect of the assessment of any hereditament included in any such rate make up a total rate of five shillings in the pound and during the eight years next following the expiration of the said period of seven

“years will in respect of the assessment of any hereditament
 “included in any such rate make up a total rate in any one
 “year of five shillings and elevenpence in the pound.”

LANCASTER.—Art XXXIV. of the Lancaster Order, 1900:

“(1) Any rate leviable by the corporation within the added
 “part of Bulk the added part of Halton and the added part of
 “Scotforth for the payment of expenses which in pursuance of
 “the Public Health Act 1875 may be defrayed out of the
 “district fund and general district rate or which by any Act
 “are required or authorised to be defrayed out of a general
 “district rate or any rate in the nature of a general district
 “rate shall be made and levied so that the amount of rate on
 “each pound of the rateable value of any hereditament
 “assessed therein shall not in any one year during a period of
 “ten years from the commencement of this Order exceed a
 “sum of one shilling and twopence.

“(2) Any rate leviable by the corporation within the added
 “part of Skerton for the payment of expenses which in
 “pursuance of the Public Health Act 1875 may be defrayed
 “out of the district fund and general district rate or which
 “by any Act are required or authorised to be defrayed out
 “of a general district rate or any rate in the nature of a
 “general district rate shall be made and levied so that the
 “amount of rate on each pound of the rateable value of any
 “hereditament assessed therein shall not in any one year
 “during a period of ten years from the commencement of this
 “Order exceed a sum of one shilling.”

NORTHAMPTON.—Art. XXXVI. of the Northampton (Extension) Order, 1900:

“The general district rates to be levied in the added part of
 “Abington the added part of Dallington the added part of Far
 “Cotton the added part of Kingsthorpe and the added part of
 “St. James respectively shall not in any one year during a
 “period of ten years from the commencement of this Order
 “exceed such an amount in the pound as when added to
 “the poor rate and to the borough rate and any other rate
 “made by the corporation in the same year will in respect of
 “the assessment of any hereditament included in any such
 “rate make up—

"In the case of the added part of Abington a total rate of
 "five shillings and sixpence on each pound of the
 "rateable value of such hereditament ;

"In the case of the added part of Dallington a total rate of
 "three shillings and one penny on each pound of the
 "rateable value of such hereditament ;

"In the case of the added part of Far Cotton a total rate of
 "five shillings and eightpence on each pound of the
 "rateable value of such hereditament ;

"In the case of the added part of Kingsthorpe a total rate of
 "five shillings and sixpence on each pound of the
 "rateable value of such hereditament and

"In the case of the added part of Saint James a total rate of
 "five shillings on each pound of the rateable value of
 "such hereditament.

"Provided that in the event of school accommodation being
 "provided by the school board for the borough in the area
 "comprising the added part of Saint James the rate levied in
 "that area in pursuance of sub-division (8) of Article XXI. of
 "this Order shall be in addition to the said rate of five shillings."

OSSETT.—Art. XVII. of the Ossett Order, 1900 :

"The general district rates to be levied in the added area
 "shall not in any one year during a period of fifteen years
 "from the commencement of this Order exceed such an
 "amount in the pound as when added to the poor rate and
 "to the borough rate and any other rate made by the
 "corporation in the same year will in respect of the
 "assessment of any hereditament included in any such rate
 "make up a total rate of four shillings and ninepence on
 "each pound of the rateable value of such hereditament."

ROCHDALE.—Art. XXIV. of the Rochdale Order, 1900 :

"The occupier of any land situate in the added area and
 "used as arable meadow or pasture ground only or as
 "woodlands market gardens nursery grounds orchards or
 "allotments and the occupier of any land situate in the added
 "area and covered with water or used only as a canal or
 "towing-path for the same or as a railway constructed under
 "the powers of any Act of Parliament for public conveyance
 "shall be assessed in respect of the same to the paving and

“sewerage rate made by the corporation in the proportion of
 “one-fourth part only of the full net annual value of the
 “hereditament so assessed ascertained by the valuation list
 “for the time being in force or if there is none by the rate
 “for the relief of the poor made next before the making of
 “the assessment.”

TORQUAY.—Art. XXI. of the Torquay (Extension) Order, 1900:

“(1) The general district rates to be levied in the added
 “part of Cockington shall not in any one year during a period
 “of five years from the commencement of this Order exceed
 “such an amount in the pound as when added to the water
 “rent paid to the corporation in the same year will in respect
 “of the assessment of any hereditament included in any such
 “rate make up a total rate of four shillings on each pound of
 “the rateable value of such hereditament and during the five
 “years next following the expiration of the said period of five
 “years will make up a total rate in any one year of four shillings
 “and threepence in the pound.”

“(2) Subject to the provisions of sub-division (4) of
 “Article XI. of this Order for a period of eight years from
 “the commencement of this Order the amount of rate on
 “each pound of the rateable value of any hereditament
 “included in any general district rate levied in the added
 “part of St. Mary Church shall be such as when added to
 “the amount of rate on each pound of the rateable value
 “of such hereditament as included in any water rate levied
 “in the same area or to the amount of all sums payable as
 “water rent in respect of such hereditament in the same area
 “shall in each year be less by fivepence than the amount of
 “rate on each pound of the rateable value of any hereditament
 “of the like kind as included in any general district rate levied
 “in the existing borough together with the amount of rate on
 “each pound of the rateable value of such hereditament as
 “included in any water rate levied in the existing borough
 “or together with the amount of all sums payable as water
 “rent in the existing borough in respect of such hereditament.”

WAKEFIELD.—Art. XXII. of the Wakefield Order, 1900:

“The general district rates to be levied in the added area
 “shall not in any one year during a period of fifteen years

“from the commencement of this Order exceed such an amount in the pound as when added to the poor rate and to the city rate and any other rate made by the corporation in the same year will in respect of the assessment of any hereditament included in any such rate make up a total rate of five shillings and sixpence on each pound of the rateable value of such hereditament and shall not in any one year during the said period exceed the rate on each pound of the rateable value of property of the same kind which may be assessed in any general district rate made in respect of the area comprising the city of Wakefield as it existed immediately prior to the ninth day of November one thousand eight hundred and ninety-five and not being a rate in the nature of a general district rate levied in pursuance of sub-division (2) of Article XVIII. of this Order.”

WINCHESTER.—Art. XXXII. of the Winchester order, 1900 :

“For a period of six years after the commencement of this Order the amount of the rate on each pound of the assessable value of any property situate in any part of the added areas and included in any general district rate shall not exceed two-thirds of the amount of the rate on each pound of the assessable value of property of the like kind situate in the area of the existing city and included in the general district rate.”

1901.

BOURNEMOUTH.—Art. XXXV. of the Bournemouth (Extension) Order, 1901 :

“(1) The amount of rate which for the purposes of any general district rate to be made and levied during a period of fifteen years from the commencement of this Order shall be made on the assessable value of every such rateable hereditament as is mentioned in paragraph (b) of sub-section (1) of section 211 of the Public Health Act 1875 and as is situate in the added part of Southbourne shall not in any one year exceed such a sum as when added to the amount of rate which for the purposes of the borough rate shall be made on each pound of the rateable value of such hereditament shall in respect of the same year make up a total rate of two shillings and fourpence on each pound of the assessable value of such hereditament.”

“(2) For the purposes of this Article the expression ‘assessable value’ means one-fourth part of the net annual value for the purposes of the general district rate of any such rateable hereditaments as is hereinbefore mentioned.”

LUDLOW.—Art. XIX. of the Ludlow (Extension) Order, 1901 :

“(1) The amount of the rate on each pound of assessable value of any property situate in the added part of East Hamlet and included in any general district rate shall for the period of four years from the commencement of this Order be less by one shilling and for a period of four years next following the expiration of such period be less by sixpence than the amount of the rate on each pound of the assessable value of property of the like kind situate in the area of the existing borough and included in such general district rate.

“For the purposes of this sub-division the expression ‘assessable value’ means in relation to any such property as aforesaid the net annual value or the reduced estimate of the net annual value on which the one-fourth part of the net annual value in the proportion of which a person rated in the general district rate is in pursuance of the Public Health Act 1875 liable to be assessed in respect of such property.

“(2) The general district rate to be levied in the added part of Ludford and the area of the existing parish of Ludlow Castle shall not in any one year during a period of five years from the commencement of this Order exceed such an amount in the pound as when added to the poor rate and to the borough rate and any other rate made by the corporation in the same year will in respect of assessment of any hereditaments included in any such rate make up a total rate of four shillings in the pound.”

SOUTH SHIELDS.—Art. XXXIV. of the South Shields (Extension) Order, 1901 :

“The general district rates to be levied in the added area shall not in any one year—

“(a) during a period of seven years from the commencement of this Order exceed such an amount in the pound as when added to the borough rate and any other rate made within the borough other than the poor

“rate in the same year will in respect of the assessment of any hereditament included in such rate make up a total rate of two shillings and twopence on each pound of the rateable value of such hereditament; and

“(b) during a further period of five years exceed such an amount in the pound as when added to the borough rate and any other rate made within the borough other than the poor rate in the same year will in respect of the assessment of any hereditament included in such rate make up a total rate of three shillings and elevenpence on each pound of the rateable value of such hereditament.”

STOCKPORT.—Art. XXXVII. of the Stockport (Extension) Order, 1901:

“The general district rates to be levied in the added areas shall not in any one year during a period of ten years from the commencement of this Order exceed such an amount in the pound as when added to the borough rate and improvement rate of the borough and any other rate made by the corporation in the same year will in respect of the assessment of any hereditament included in any such rate make up—

“in the case of the Reddish district a total rate of four shillings and fourpence halfpenny on each pound of the rateable value of such hereditament;

“in the case of the added part of Brinnington a total rate of two shillings on each pound of the rateable value of such hereditament;

“in the case of the added parts of Heaton Norris a total rate of two shillings and elevenpence on each pound of the rateable value of such hereditament;

“in the case of the added parts of Cheadle and Gatley a total rate of three shillings and fivepence on each pound of the rateable value of such hereditament;

“in the case of the added part of Hazel Grove and Bramhall a total rate of three shillings and ninepence on each pound of the rateable value of such hereditament;

“in the case of the added part of Bredbury and Romiley a
 “total rate of three shillings on each pound of the rate-
 “able value of such hereditament.”

1902.

LIVERPOOL.—Art. XXXVI. of the Liverpool Extension Order,
 1902 :

“Until the Thirty-first day of December One thousand nine
 “hundred and fifteen the general rate to be levied by the cor-
 “poration under the Liverpool Corporation Act 1893 shall not
 “in any one year exceed two shillings and sixpence in the
 “pound within the added area and the water rate leviable
 “under the Liverpool Waterworks Act 1862 shall not in any
 “one year exceed threepence three farthings in the pound
 “within the added area.”

WORTHING.—Art. XXIII. of the Worthing (Extension) Order
 1902 :

“The total amount for each year of the rate on each pound
 “of assessable value of any property situate in the added areas
 “and included in any general district rate shall for a period of
 “seven and a half years from the commencement of this Order
 “be less by sixpence halfpenny in the case of any property
 “situate in the added part of Broadwater and by ninepence in
 “the case of any property situate in the added part of West
 “Tarring than the total amount for the year of the rate on
 “each pound of the assessable value of property of the like
 “kind situate in the area of the existing borough and included
 “in such general district rate.

“For the purposes of this Article the expression ‘assessable
 “value’ means in relation to any such property as aforesaid
 “the net annual value or the reduced estimate of the net
 “annual value on which or the one-fourth part of the net
 “annual value in the proportion of which a person rated in the
 “general district rate is in pursuance of the Public Health Act
 “1875 liable to be assessed in respect of such property.”

1903.

There were no provisions as to differential rating of added
 areas in the only two Provisional Orders (Dover and Yeovil)
 which were confirmed by Parliament during this year.

1904.

NEWCASTLE-UPON-TYNE.—Art. XXXVI. of the Newcastle-upon-Tyne (Extension) Order, 1904:

“(1) The general rate to be levied in the area of the Benwell-and-Fenham District shall not in any one year during a period of ten years from the commencement of this Order exceed such an amount in the pound as when added to the city rate the general district rate the improvement rate and any other rate (not being a poor rate) made within the city in the same year will in respect of the assessment of any hereditament included in such rate make up a total rate of five shillings and sevenpence in each pound of the rateable value of such hereditament.

“(2) The general rate and the improvement rate to be levied in the added part of Kenton shall not in any one year during a period of ten years from the commencement of this Order together exceed such an amount in the pound as when added to the city rate the general district rate and any other rate (not being a poor rate) made within the city in the same year will in respect of the assessment of any hereditament included in such rates make up a total rate of two shillings and fourpence in each pound of the rateable value of such hereditament and in any one year during the five years next following the expiration of the said period of ten years will in respect of such assessment make up a rate of two shillings and fourpence in the pound with the addition of one-third of the difference between the said amount of two shillings and fourpence in the pound and the amount in the pound of the rates (exclusive of poor rate) made for the city at the commencement of the said period of five years and in any one year during the five years next following the expiration of the said first-mentioned period of five years will in respect of such assessment make up a rate of two shillings and fourpence in the pound with the addition of two-thirds of the difference between the said amount of two shillings and fourpence in the pound and the amount in the pound of the rates (exclusive of poor rate) made for the city at the commencement of the said second period of five years:

“Provided that this subdivision shall not apply to any new houses or other buildings with the appurtenances thereto which are erected in the added part of Kenton after the first

“day of July one thousand nine hundred and four and upon
 “such erection such new houses or other buildings and
 “appurtenances shall become liable to the full rates levied
 “in the city.

“(3) The general rate to be levied in the area of the Walker
 “District shall not in any one year during a period of five
 “years from the commencement of this Order exceed such an
 “amount in the pound as when added to the city rate the
 “general district rate the improvement rate and any other rate
 “(not being a poor rate) made within the city in the same year
 “will in respect of the assessment of any hereditament included
 “in such rate make up a total rate of five shillings in each
 “pound of the rateable value of such hereditament and in any
 “one year during the five years next following the expiration
 “of the said first mentioned period of five years will in respect
 “of such assessment make up a rate of five shillings and
 “sevenpence in the pound.”

NEW SARUM (SALISBURY).—Art. XXII. of the New Sarum
 (Extension) Order, 1904:

“The total amount for each year of the rate on each pound
 “of assessable value of any property situate in the added areas
 “and included in any general district rate shall for a period of
 “twenty-three years from the commencement of this Order be
 “less by threepence farthing than the total amount for the
 “year of the rate on each pound of the assessable value of
 “property of the like kind situate in that part of the area of
 “the existing city which comprises the parishes of Fisherton
 “Anger Within and Milford Within and included in the said
 “general district rate as levied in the said part of the
 “existing city.

“For the purposes of this Article the expression ‘assessable
 “value’ means in relation to any such property as aforesaid
 “the net annual value or the reduced estimate of the net
 “annual value on which or the one-fourth part of the net
 “annual value in the proportion of which a person rated in
 “the general district rate is in pursuance of the Public Health
 “Act 1875 liable to be assessed in respect of such property.”

WIGAN.—Art. XXX. of the Wigan (Extension) Order, 1904:

“The general district rate to be levied in the added area
 “shall not in any one year during a period of fifteen years

“from the commencement of this Order exceed three shillings
“and fourpence in the pound.”

1905.

DURHAM.—Art. XXI. of the Durham (Extension) Order,
1905 :

“The general district rate to be levied in the added areas
“shall not in any one year—

“(a) during a period of seven years from the commencement
“of this Order exceed such an amount in the pound
“as when added to the aggregate amount in the
“pound of all other rates levied in the added areas
“for the purpose of defraying expenses of the corpora-
“tion will in relation to any hereditament in the
“added areas make up in respect of each pound of
“the rateable value of the said hereditament a rate of
“three shillings and threepence; or

“(b) during a period of five years from the expiration of the
“said period of seven years exceed such an amount
“in the pound as when added to the aggregate amount
“in the pound of all other rates levied for the pur-
“pose of defraying expenses of the corporation will
“in relation to any hereditament in the added areas
“make up in respect of each pound of the rateable
“value of the said hereditament a rate of three
“shillings and threepence with the addition of a sum
“representing half the difference between the last-
“mentioned rate and the aggregate amount in the
“pound of all other rates levied in the existing
“city for the purpose of defraying expenses of the
“corporation.”

HANLEY.—Art. XX. of the Hanley (Extension) Order, 1905 :

“The general district rate to be levied in the added area
“shall not in any one year during a period of twelve years
“from the commencement of this Order exceed such an amount
“in the pound as when added to the borough rate and any
“other rate levied for the purpose of defraying any expenses
“of the corporation will in respect of the assessment of any
“hereditament in the added area make up a total rate of three
“shillings and fivepence in each pound of the rateable value of
“the said hereditament.”

LIVERPOOL.—Art. XXIV. of the Liverpool (Extension) Order, 1905 :

“(1) During a period of ten years from the commencement of this Order in respect of any hereditament in the added area—

“The general rate leviable under the Liverpool Corporation Act 1893 shall not exceed two shillings and elevenpence halfpenny on each pound of the rateable value of the hereditament ;

“The library and museum rate leviable under the Liverpool Corporation Act 1900 shall not exceed one penny halfpenny on each pound of the rateable value of the hereditament ; and

“The watch rate leviable under the Municipal Corporations Acts shall not exceed one penny on each pound of the rateable value of the hereditament.

“(2) During the said period of ten years no rate for the purpose of defraying any expenses of the corporation shall be levied in the added area other than a rate mentioned in sub-division (1) of this Article a water rate a rate levied for the purpose of paying the expenses of the corporation acting as the local education authority a rate in respect of private improvement expenses or a rate for the purpose of defraying any expenses of the corporation in pursuance of any public general Act which may hereafter be passed.”

If further precedents on this point are required, reference may be made to the following provisions embodied in earlier Provisional Orders :

BIRMINGHAM.—Art. XXIX. of the City of Birmingham Order 1891.

BRADFORD (Yorks.).—Arts. XXV. and XXVI. of the Bradford (Yorks.) Extension Order 1899.

CHESTERFIELD.—Art. XIX of the Borough of Chesterfield Order 1892.

CHICHESTER.—Art. XVIII. of the Chichester Order 1895 (“special provision as to rating of West Sussex Lunatic Asylum”).

COVENTRY.—Art. XXIII. of the Coventry (Extension) Order 1899.

DEVONPORT.—Art. XXIII. of the Devonport (Extension) Order 1898.

FALMOUTH.—Art. XXI. of the Borough of Falmouth Order 1892.

HARTLEPOOL.—Art. XVI. of the Borough of Hartlepool (Extension) Order 1897.

HENLEY-UPON-THAMES.—Art. XIV. of the Borough of Henley-upon-Thames Order 1892.

HERTFORD.—Art. XVIII. of the Borough of Hertford Order 1892.

KEIGHLEY.—Art. XVI. of the Borough of Keighley Order 1895.

LIVERPOOL.—Arts. XXIV.—XXVIII. of the City of Liverpool Order 1895.

MANCHESTER.—Arts. XXI. (2) and XXIV. (4) of the City of Manchester Order 1890.

MARGATE.—Art. XVIII. (1), “Rating of ‘Hartsdown’” and (2) “Rating of Drapers Estate” of the Borough of Margate Order (No. 2) 1894.

MIDDLETON.—Art. XIII. of the Borough of Middleton Order 1891.

NELSON.—Art. XV. of the Borough of Nelson (Extension) Order 1897, “Differential rating in part of added area.”

PORTSMOUTH.—Art. XV. of the Borough of Portsmouth Order 1895.

PLYMOUTH.—Art. XXIV. of the Plymouth (Extension) Order 1896.

RICHMOND (Surrey).—Art. XVI. of the Borough of Richmond (Surrey) Order 1892.

SOUTHAMPTON.—Art. XXII. of the Southampton Order 1895.

SOUTHEND-ON-SEA.—Art. XVII. of the Borough of Southend-on-Sea Extension Order 1897.

TOTNES.—Art. XVI. of the Borough of Totnes (Extension) Order 1897.

WAKEFIELD.—Art. XVI. of the City of Wakefield Order 1895.

WARRINGTON.—Art. XXI. of the Warrington (Extension) Order 1896.

WEST HARTLEPOOL.—Art. XVIII. of the Borough of West Hartlepool (Extension) Order 1897.

7. Alteration of county boundaries.—APPLICATION FOR PROVISIONAL ORDER.—In making a representation to the Local Government Board for a Provisional Order under s. 54 of the Local Government Act, 1888, for the alteration of the boundary of an administrative county, the “Provisional Order Instructions F” should be strictly complied with. These Instructions are revised and issued annually, usually early in September. Copies of the Instructions and of the form for particulars referred to therein, are supplied by the Local Government Board on request. The instructions issued in 1907 required the representation to be made not later than November 30th.

8. Constitution of county boroughs.—APPLICATION FOR PROVISIONAL ORDER.—A representation to the Local Government Board for the issue of a Provisional Order under s. 54 of the Local Government Act, 1888, constituting a borough into a county borough should be embodied in a memorial under the seal of the corporation. The memorial should be on paper of foolscap size and should state in detail the reasons upon which the town council rely in support of their representation. It should also contain or be accompanied by information on the following points :

- (a) The population and number of inhabited houses in the borough, and the average number of persons per inhabited house according to the last census ;
- (b) The number of inhabited houses at the date of the representation according to the certificates of the overseers of the several parishes comprised in the borough ;
- (c) The present estimated population of the borough and the basis of the estimate : if the Registrar-General

has been consulted, a copy of the correspondence should be forwarded ; and

- (d) The relations of the borough with the county generally, including information as to the main roads in the borough, electoral divisions, police arrangements, etc.

The evidence as to population should be as conclusive as possible, but other circumstances than population are apparently considered by the Local Government Board in deciding upon such applications, as they refused to constitute Hornsey a county borough notwithstanding the fact that the population of the borough at the census of 1901 exceeded 70,000.

No date has, as yet, been prescribed by the Local Government Board as the latest on which they will receive applications of this kind, but it is obviously important that the application should be made as long before the close of the year as possible if it is desired that a Provisional Order should be issued in time for confirmation during the ensuing session of Parliament.

9. County boroughs constituted.—Thirteen Provisional Orders constituting boroughs into county boroughs were issued by the Local Government Board and confirmed by Parliament up to the end of 1907, as follows :

Name of Borough.	Date on which Borough became a County Borough.	Title, etc., of Confirming Act.	
		The Local Government Board's Provisional Orders Confirmation—	
Blackpool .	Oct. 1st, 1904	(No. 13) Act, 1904 .	4 Edw. 7, c. clxii.
Bournemouth .	April 1st, 1900	(No. 12) „ 1899 .	62 & 63 Vict. c. cxlix.
Burton - upon-Trent	„ „ 1901	(No. 9) „ 1900 .	63 & 64 Vict. c. clxxviii.
Grimsby .	„ „ 1891	(No. 15) „ 1890 .	53 & 54 Vict. c. cciv.
Merthyr Tydfil	„ „ 1908	(No. 8) „ 1907 .	7 Edw. 7, c. clviii.
Newport (Mon.)	Nov. 7th, 1891	(No. 9) „ 1891 .	54 & 55 Vict. c. cex
Oxford .	„ 9th, 1889	Act, 1889 .	52 Vict. c. xv.
Rotherham .	Oct. 1st, 1902	(No. 12) Act, 1902 .	2 Edw. 7, c. cex.
Smethwick .	April 1st, 1907	(No. 6) „ 1906 .	6 Edw. 7, c. cv.
Southport .	„ „ 1905	(No. 11) „ 1905 .	5 Edw. 7, c. cvii.
Tynemouth .	„ „ 1904	(No. 13) „ 1904 .	4 Edw. 7, c. clxii.
Warrington .	„ „ 1900	(No. 9) „ 1900 .	63 & 64 Vict. c. clxxviii.
West Hartlepool	„ „ 1902	(No. 12) „ 1902 .	2 Edw. 7, c. cex.

There was no instance up to December 31st, 1907, in which a borough had been constituted a county borough by local Act.

PART X.—BORROWING.*

STATUTORY PROVISIONS.

1. **The Public Health Act, 1875.**—The provisions of this Act with respect to borrowing by local authorities which are contained in ss. 233—244, will be found *in extenso* in the text books on the Public Health Acts (*e.g.* Lumley's "Public Health," by Macmorran and Lushington). The provisions of ss. 233—235, 243, and 244, are as follows:

Borrowing Powers.

"233. Any local authority may, with the sanction of the Local Government Board, for the purpose of defraying any costs charges and expenses incurred or to be incurred by them in the execution of the Sanitary Acts or of this Act, or for the purpose of discharging any loans contracted under the Sanitary Acts or this Act, borrow or reborrow, and take up at interest, any sums of money necessary for defraying any such costs charges and expenses, or for discharging any such loans as aforesaid.

"An urban authority may borrow or reborrow any such sums on the credit of any fund or all or any rates or rate out of which they are authorised to defray expenses incurred by them in the execution of this Act, and for the purpose of securing the repayment of any sums so borrowed, with interest thereon, they may mortgage to the persons by or on behalf of whom such sums are advanced any such fund or rates or rate.

"A rural authority may borrow or reborrow any such sums, if applied or intended to be applied to general expenses of such authority, on the credit of the common fund out of

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. iv. pp. 187—245. "Encyclopædia of Forms and Precedents," vol. viii. pp. 192—206.

“which such expenses are payable, and if applied or intended
 “to be applied to special expenses of such authority, on the
 “credit of any rate or rates out of which such expenses are
 “payable, and for the purpose of securing the repayment of
 “any sums so borrowed, with interest thereon, they may
 “mortgage to the persons by or on behalf of whom such
 “sums are advanced any such fund rate or rates.

“234. The exercise of the powers of borrowing conferred by
 “this Act shall be subject to the following regulations;
 “(namely),

“(1) Money shall not be borrowed except for permanent
 “works (including under this expression any works
 “of which the cost ought in the opinion of the
 “Local Government Board to be spread over a term
 “of years) :

“(2) The sum borrowed shall not at any time exceed, with
 “the balances of all the outstanding loans con-
 “tracted by the local authority under the Sanitary
 “Acts and this Act, in the whole the assessable
 “value for two years (*a*) of the premises assessable
 “within the district in respect of which such money
 “may be borrowed :

“(3) Where the sum proposed to be borrowed with such
 “balances (if any) would exceed the assessable
 “value for one year of such premises, the Local
 “Government Board shall not give their sanction
 “to such loan until one of their inspectors has
 “held a local inquiry and reported to the said
 “Board :

“(4) The money may be borrowed for such time, not ex-
 “ceeding sixty years, as the local authority, with the
 “sanction of the Local Government Board, determine
 “in each case; and, subject as aforesaid, the local
 “authority shall either pay off the moneys so
 “borrowed by equal annual instalments of principal
 “or of principal and interest, or they shall in every

(*a*) The Local Government Board interpret this to mean twice the assessable value for the current year.

“year set apart as a sinking fund and accumulate in
 “the way of compound interest by investing the
 “same in the purchase of Exchequer bills or other
 “Government securities, such sum as will with
 “accumulations in the way of compound interest be
 “sufficient, after payment of all expenses, to pay off
 “the moneys so borrowed within the period
 “sanctioned :

“(5) A local authority may at any time apply the whole or
 “any part of a sinking fund set apart under this
 “Act in or towards the discharge of the moneys
 “for the repayment of which the fund has been
 “established : Provided that they pay into the fund
 “in each year and accumulate until the whole of the
 “moneys borrowed are discharged, a sum equivalent
 “to the interest which would have been produced by
 “the sinking fund or the part of the sinking fund so
 “applied :

“(6) Where money is borrowed for the purpose of discharg-
 “ing a previous loan, the time for repayment of
 “the money so borrowed shall not extend beyond
 “the unexpired portion of the period for which the
 “original loan was sanctioned, unless with the
 “sanction of the Local Government Board ; and
 “shall in no case be extended beyond the period
 “of sixty years from the date of the original
 “loan.

“Where any urban authority borrow any money for the
 “purpose of defraying private improvement expenses, or
 “expenses in respect of which they have determined a part
 “only of the district to be liable, it shall be the duty of such
 “authority, as between the ratepayers of the district, to
 “make good, as far as they can, the money so borrowed,
 “as occasion requires, either out of private improvement
 “rates, or out of a rate levied in such part of the district
 “as aforesaid.

“235. Where any local authority are possessed of any lands
 “works or other property for the purposes of disposal of
 “sewage pursuant to this Act, they may borrow any moneys

“on the credit of such lands works or other property, and may
 “mortgage such lands works or other property to any person
 “advancing such moneys, in the same manner in all respects
 “as if they were the absolute owner, both at law and in
 “equity, of the lands works or other property so mortgaged.
 “The moneys so borrowed shall be applied for purposes for
 “which moneys may be borrowed under this Act; but it shall
 “not be in any way incumbent on the mortgagees to see to the
 “application of such moneys, nor shall they be responsible for
 “any misapplication thereof.

“The powers of borrowing conferred by this section shall,
 “where the sums borrowed do not exceed three-fourths of the
 “purchase money of such lands (but not otherwise), be
 “deemed to be distinct from and in addition to the general
 “borrowing powers conferred on a local authority by this Act.
 “Any local authority may pay out of any rates leviable by
 “them for purposes of this Act the interest on any moneys
 “borrowed by such authority in pursuance of this section.

“243. The Public Works Loan Commissioners may, on the
 “application of any local authority and on the recommendation
 “of the Local Government Board (*a*), make any loan to such
 “authority in pursuance of any powers of borrowing conferred
 “by this Act, whether for works already executed or yet to be
 “executed, on the security of any fund or rate applicable to
 “any of the purposes of this Act, and without requiring any
 “further or other security, such loan to be repaid within a
 “period not exceeding fifty years, and to bear interest at the
 “rate of three and a half per centum per annum, or such
 “other rate (*b*) as may, in the judgment of the Treasury, be
 “necessary in order to enable the loan to be made without loss
 “to the Exchequer:

“Provided,—

“(1) That in determining the time when a loan under this
 “section shall be repayable, the Local Government
 “Board shall have regard to the probable duration
 “and continuing utility of the works in respect of
 “which the same is required:

(*a*) As to the cases in which the recommendation of the Local Government Board is now necessary, see “Advances by Public Works Loan Commissioners,” *post*, p. 155.

(*b*) As to the rates at present charged by the Public Works Loan Commissioners on advances, see *post*, pp. 156, 157.

“(2) That this section shall not extend to any loan required
 “for the purpose of defraying expenses incurred by
 “the Local Government Board in the performance of
 “the duty of a defaulting local authority after the
 “passing of the Public Health Act, 1872.

“In the case of a loan made before the passing of the Public
 “Health Act, 1872, to any local authority in pursuance of any
 “powers conferred by the Sanitary Acts, the Public Works
 “Loan Commissioners may reduce the interest payable thereon
 “to the rate of not less than three and a half per centum per
 “annum.

“244. Joint boards and port sanitary authorities under this
 “Act, and the local board of health of any main sewerage
 “district and any joint sewerage board constituted under any
 “of the Sanitary Acts and existing at the time of the passing
 “of this Act shall, for the purposes of their constitution, have
 “like powers of borrowing on the credit of any fund or rate
 “applicable by them to purposes of this Act or on the credit
 “of sewage land and plant as are by this Act conferred on
 “local authorities, and in the exercise of those powers shall be
 “subject to the like restrictions; and the Public Works Loan
 “Commissioners may make any loan to any of the above-
 “mentioned authorities which they may make to a local
 “authority under this Act.”

2. The Municipal Corporations Act, 1882.—Sections 105,
 106, 109, 112, 113, 120, and 236 of this Act are in the
 following terms :

“105. A municipal corporation may contract for the pur-
 “chase of and hold any land not exceeding in the whole five
 “acres, either in or out of the borough, and thereon, or on any
 “land belonging to or held in trust for the corporation, may
 “build a town hall, council house, justices’ room, with or
 “without a police station and cells, or lock-ups, or a quarter
 “and petty sessions-house, or an assize court-house, with or
 “without judges’ lodgings, or a polling station, or any other
 “building necessary or proper for any purpose of the
 “borough.

“106. The council may, with the approval of the *Treasury* (a),

(a) Now the Local Government Board, by virtue of s. 72 of the Local
 Government Act, 1888, which provides that :

“After the appointed day the Local Government Board shall exercise, as

“borrow at interest on the security of any corporate land, or of any land proposed to be purchased by the council under this Act, or of the borough fund or borough rate, or of all or any of those securities, such sums as the council from time to time think requisite for the purchase of land, or for the building of any building which the council are by this Act authorised to build.

“109. The council may, with the approval of, the *Treasury* (a), dispose of any corporate land either by way of absolute sale, or by way of exchange, mortgage, charge, demise, lease, or otherwise, in such manner and on such terms and conditions as the *Treasury* (a) approve.”

“*Repayment of Loans.*

“112.—(1) Where the *Treasury* (a) approve a mortgage or charge under this Part they may, as a condition of their approval, require that the money borrowed on the security of the mortgage or charge be repaid, with all interest thereon, in thirty years, or any less period, and either by instalments or by means of a sinking fund, or both.

“(2) In that case the sums required for providing for the repayment of the principal and interest of the money borrowed shall be by virtue of this Act a charge on all or any of the following securities, namely, the land comprised in the mortgage (without prejudice to the security thereby created), or any other corporate land, or the borough fund, or the borough or other rates legally applicable to payment of the money borrowed or of the expenses which the money is borrowed to defray, as the *Treasury* (a) direct.

“113.—(1) When money borrowed under this Part is directed to be repaid by means of a sinking fund, the council shall,

“regards any county borough, or other borough, the powers conferred by Part V. of the Municipal Corporations Act, 1882, relating to corporate property and liabilities, as respects the approval of loans and of the alienation of property, and other matters therein mentioned, and that Part shall, as respects any transactions commenced after the appointed day, be construed as if ‘Local Government Board’ were throughout that Part substituted for ‘Treasury.’”

Part V. of the Municipal Corporations Act, 1882, comprises ss. 105 to 132.

(a) Now the Local Government Board, see note, p. 120.

“out of the rents and profits of the land on which, or out of the borough fund or rates on which, the sums required for the sinking fund are charged under this Act, invest the sums, at such times, and in such Government annuities, as the *Treasury* (a) direct, and shall also from time to time invest in like manner all dividends of those annuities.

“(2) The annuities shall, in the books of the Bank of England, be placed to the account of the corporation, and in the matter of this Act or of any previous Act under which the investment is made.

“(3) The dividends of the annuities shall be received and invested by such persons as the council by power of attorney under the corporate seal from time to time appoint.

“(4) No transfer shall be made of the annuities, or of any part thereof, without the consent in writing of the *Treasury* (a) addressed to the chief accountant of the Bank of England.

“(5) The direction in writing of the council by power of attorney under the corporate seal, with the consent in writing of the *Treasury* (a), shall be sufficient authority to the Bank for permitting any such transfer.”

“Loans for Municipal Buildings.

“120. The council of a borough may borrow money from the Public Works Loan Commissioners for the purpose of building, enlarging, repairing, improving, and fitting up any building which they are by this Act authorised to build, and may levy a rate or an increase of the borough rate for the purpose of paying the principal and interest of the loan, and may mortgage the rate or borough rate to the Commissioners in accordance with the Public Works Loans Act, 1875, or any amendment thereof, in such manner and form as the Commissioners direct.

“Applications to Treasury (a).

“236.—(1) Where the council intend to apply to the *Treasury* (a) for their approval of any sale, loan, or other financial arrangement under this Act notice of the intention

(a) Now the Local Government Board, see note, p. 120.

“to make the application shall be fixed on the town hall one
“month at least before the application, and a copy of the
“intended application shall during that month be kept in the
“town clerk’s office, and be open to public inspection.

“ (2) If the *Treasury* (a) either refuse their approval or grant
“it conditionally or under qualifications, notice of the corre-
“spondence between the *Treasury* (a) and the council shall
“forthwith and during one month be fixed on the town hall,
“and a copy of the correspondence shall during that month
“be kept in the town clerk’s office, and be open to public
“inspection.”

3. **The Local Government Act, 1888.**—The provisions of this Act with respect to borrowing are contained in s. 69, which is as follows :

“ (1) The county council may from time to time, with the
“consent of the Local Government Board, borrow, on the
“security of the county fund, and of any revenues of the
“council, or on either such fund or revenues, or any part of
“the revenues, such sums as may be required for the following
“purposes, or any of them, that is to say ;

“ (a) for consolidating the debts of the county ; and

“ (b) for purchasing any land or building any building, which
“the council are authorised by any Act to purchase
“or build ; and

“ (c) for any permanent work or other thing which the
“county council are authorised to execute or do,
“and the cost of which ought in the opinion of the
“Local Government Board to be spread over a term
“of years ; and

“ (d) for making advances (which they are hereby authorised
“to make) to any persons or bodies of persons,
“corporate or unincorporate, in aid of the emigra-
“tion or colonisation of inhabitants of the county,
“with a guarantee for repayment of such advances
“from any local authority in the county, or the
“Government of any colony ; and

(a) Now the Local Government Board, see note, p. 120.

“(e) for any purpose for which quarter sessions or the
“county council are authorised by any Act to
“borrow,

“but neither the transfer of powers by this Act nor anything
“else in this Act shall confer on the county council any power
“to borrow without the consent above mentioned, and that
“consent shall dispense with the necessity of obtaining any
“other consent which may be required by the Acts relating to
“such borrowing, and the Local Government Board, before
“giving their consent, shall take into consideration any repre-
“sentation made by any ratepayer or owner of property rated
“to the county fund.

“(2) Provided that where the total debt of the county
“council, after deducting the amount of any sinking fund,
“exceeds, or if the proposed loan is borrowed will exceed, the
“amount of one-tenth of the annual rateable value of the rate-
“able property in the county, ascertained according to the
“standard or basis for the county rate, the amount shall not
“be borrowed, except in pursuance of a provisional order made
“by the Local Government Board and confirmed by Parliament.

“(3) A county council may also from time to time, without
“any consent of the Local Government Board, during the
“period which was fixed for the discharge of any loan raised
“by them under this Act or transferred to them by this Act,
“borrow on the like security such amount as may be required
“for the purpose of paying off the whole or any part of such
“loan, or if any part of such loan has been repaid otherwise
“than by capital money for reborrowing the amount so
“repaid, and for the purpose of this section, ‘capital money’
“includes any instalments, annual appropriations, and sinking
“fund and the proceeds of the sale of land or other property,
“but does not include money previously borrowed for the
“purpose of repaying a loan.

“(4) All money reborrowed shall be repaid within the period
“fixed for the discharge of the original loan, and every loan
“for reborrowing shall for the purpose of the ultimate dis-
“charge be deemed to form part of the same loan as the
“original loan, and the obligations of the council with respect
“to the discharge of the original loan shall not be in any way
“affected by means of the reborrowing.

“(5) A loan under this section shall be repaid within such

“period, not exceeding thirty years, as the county council, with the consent of the Local Government Board, determine in each case.

“(6) The county council shall pay off every loan either by equal yearly or half yearly instalments of principal, or of principal and interest combined, or by means of a sinking fund set apart, invested, and applied in accordance with the Local Loans Act, 1875, and the Acts amending the same.

“(7) Where a loan is raised for any special county purpose, the council shall take care that the sums payable in respect of the loan are charged to the special account to which the expenditure for that purpose is chargeable.

“(8) Where the county council are authorised to borrow any money on loan they may raise such money either as one loan or several loans, and either by stock issued under this Act, or by debentures or annuity certificates under the Local Loans Act, 1875, and the Acts amending the same, or, if special reasons exist for so borrowing, by mortgage, in accordance with sections two hundred and thirty-six and two hundred and thirty-seven of the Public Health Act, 1875.

“(9) Provided that where a county council have borrowed by means of stock they shall not borrow by way of mortgage except for a period not exceeding five years (a).

“(10) Where the county council borrow by debentures such debentures may be for any amount not less than five pounds.

“(11) The provisions of this section which authorise advances in aid of the emigration or colonisation of inhabitants of the county, and borrowing for those advances, except the provisions respecting the total debt, shall extend to the councils of boroughs mentioned in the Third Schedule to this Act.

“(12) Nothing in this section shall be taken to empower the Cheshire County Council to borrow on the security of any revenue estimated to accrue from the surplus funds of the River Weaver Navigation.”

4. The Poor Law Acts, 1889 and 1897.—Sections 2 and 7 of the Poor Law Act, 1889 (52 & 53 Vict. c. 56), are in the following terms :

“2. Whereas it is expedient to simplify and to express in one enactment the purposes and amount for and to which

(a) As to the effect of this provision, see Part XXI., “Education,” under the sub-heading, “Periods for Repayment of Loans.”

“guardians of unions and managers of district schools and
 “asylums have powers to borrow and otherwise to amend
 “those powers: Be it therefore enacted as follows :—

“(1) The guardians of any union may, with the sanction of
 “the Local Government Board, borrow for the
 “purpose of raising the expenses incurred, or pro-
 “posed to be incurred, for any permanent work or
 “object, or any other thing the costs of which ought
 “in the opinion of the Local Government Board to
 “be spread over a term of years.

“(2) A loan shall not be of such amount as exceeds, or will
 “make the total debt of the guardians under the Acts
 “relating to the relief of the poor exceed, one-fourth
 “of the total annual rateable value of the union.

“(3) The Local Government Board may, by Provisional
 “Order, extend the said maximum to double the
 “amount above authorised, and sections two hundred
 “and ninety-seven and two hundred and ninety-
 “eight of the Public Health Act, 1875, shall apply
 “to every such Provisional Order in like manner as
 “if they were herein re-enacted and the guardians
 “were a local authority.

“(4) The unapplied balance of any loan raised by any
 “guardians may, with the consent of the Local
 “Government Board, be applied to any purpose for
 “which a loan can be raised under this Act by such
 “guardians.

“(5) This section shall apply to the managers of any school
 “district [*and to the managers of any asylum district,*
 “*not being the metropolitan asylum district*] (a) in like
 “manner as if they were guardians and this section
 “were in terms made applicable thereto, but with the
 “substitution of one-sixteenth of the annual rateable
 “value of the district for one-fourth of the annual
 “rateable value of the union.

“(6) All enactments in the Acts relating to the relief of the
 “poor touching the purposes for which and the
 “amount to which guardians of unions and managers
 “of any school or asylum district to whom this
 “section applies may borrow, shall be repealed with-

(a) The words in italics in brackets were repealed by s. 3 of the Poor Law
 Act, 1897.

“out prejudice to anything done thereunder, but
 “every loan under this section shall be made on the
 “like security [*and be paid off in the like time and*
 “*manner, and be borrowed and re-borrowed in the like*
 “*manner*] (b) as is provided by the enactments in
 “force at the passing of this Act with respect to loans
 “of such guardians and managers.”

* * * * *

“7. The provision by the asylum managers of buildings for
 “the purposes of section sixteen of the Poor Law Act, 1879,
 “shall be a purpose for which the managers are authorised to
 “borrow in pursuance of the Metropolitan Poor Act, 1867, and
 “any Act altering and amending the same.”

Sections 1 and 2 of the Poor Law Act, 1897 (60 & 61 Vict.
 2. 29), enact as follows:—

“1.—(1) A loan raised after the passing of this Act under
 “section two of the Poor Law Act, 1889, shall be repaid within
 “such period, not exceeding sixty years, as the guardians or
 “managers with the sanction of the Local Government Board
 “may determine, either by equal yearly or half-yearly instal-
 “ments of principal or principal and interest, or by means of a
 “sinking fund.

“(2) The sinking fund shall be set apart, invested, and
 “applied in accordance with the Local Loans Act, 1875, and
 “the Acts amending that Act, and for the purpose of such
 “application the prescribed rate shall be a rate not exceeding
 “three per cent. per annum. Provided that the guardians or
 “managers shall not invest in their own securities.

“(3) Where any such loan has been contracted to be repaid
 “by annual instalments, it may, with the consent of the
 “lenders, be repaid by half-yearly instalments.

“(4) Guardians and managers may borrow money under the
 “said section two, without the consent of the Local Govern-
 “ment Board, for the purpose of repaying any outstanding
 “part of any loan borrowed either before or after the passing
 “of the Poor Law Act, 1889, which they have power to repay.

“(5) Any money so borrowed shall be repaid in the manner
 “directed by this Act and within the same period as that

“originally sanctioned for the repayment of the loan, unless
 “the Local Government Board consent to the period for repay-
 “ment being enlarged, but that period shall not exceed sixty
 “years from the date of the original borrowing.

“(6) For the purpose of this section the expression ‘out-
 “standing’ means not repaid by instalments, or by means of
 “a sinking fund, or out of capital money properly applicable
 “to the purpose of repayment other than money borrowed for
 “that purpose.

“2. The power to provide land and buildings under the
 “Metropolitan Poor Act, 1867, is hereby declared to include
 “power to provide any land or buildings which may, in the
 “opinion of the Local Government Board, be required for the
 “purposes of that Act, and the provisions of section two of
 “the Poor Law Act, 1889, with respect to loans by guardians
 “of unions as amended by this Act, shall apply, for the
 “purpose of borrowing under the Metropolitan Poor Act, 1867,
 “instead of section seventeen of the last-mentioned Act, but
 “with the substitution of ‘one-tenth of the rateable value of
 “the district’ for ‘one-fourth’ of the rateable value of the
 “union.”

5. The Public Health (London) Act, 1891.—Section 105 of
 this Act provides that—

“(1) The provision of hospitals and of mortuaries under this
 “Act, and the purposes of the epidemic regulations under this
 “Act, shall be purposes for which vestries and district boards
 “are authorised to borrow.

“(2) A sanitary authority, with the consent of the Local
 “Government Board, may borrow for the purpose of providing,
 “as required or authorised by this Act—

“(a) sanitary conveniences, lavatories, and ashpits, and

“(b) premises, apparatus, carriages, and vessels for the
 “disinfection, destruction, and removal of infected
 “articles, and

“(c) a building for post-mortem examinations and accommo-
 “dation for the holding of inquests.

“(3) The purposes for which a sanitary authority are
 “authorised under this Act to borrow shall be purposes for
 “which that authority may borrow under the Acts relating to

“the execution of the other duties of that authority, and, where the consent of the Local Government Board is required and given to any such loan, the consent of any other authority shall not be required.”

NOTE.—The powers of borrowing conferred by this section on sanitary authorities are now exerciseable by the common council of the City of London as regards the City of London, and by the borough councils as regards the metropolitan boroughs.

It will be observed that the section does not authorise the Local Government Board to determine the period for the repayment of any loan sanctioned by them, but the London County Council (Money) Acts contain provisions requiring the consent of the Board to be given to the period for repayment, where the money is borrowed under those Acts.

6. The Local Government Act, 1894.—Sections 11 and 12 of this Act enact as follows :

“(1) A parish council shall not, without the consent of a parish meeting, incur expenses or liabilities which will involve a rate exceeding threepence in the pound for any local financial year, or which will involve a loan.

“(2) A parish council shall not, without the approval of the county council, incur any expense or liability which will involve a loan.

“(3) The sum raised in any local financial year by a parish council for their expenses (other than expenses under the adoptive Acts) shall not exceed a sum equal to a rate of sixpence in the pound on the rateable value of the parish at the commencement of the year, and for the purpose of this enactment the expression ‘expenses’ includes any annual charge, whether of principal or interest, in respect of any loan.

“(4) Subject to the provisions of this Act, the expenses of a parish council and of a parish meeting, including the expenses of any poll, shall be paid out of the poor rate ; and where there is a parish council that council shall pay the said expenses of the parish meeting of the parish ; and the parish council, and where there is no parish council the chairman of the parish meeting, shall, for the purpose of

“obtaining payment of such expenses, have the same powers
 “as a board of guardians have for the purpose of obtaining
 “contributions to their common fund.

“(5) The demand note for any rate levied for defraying
 “the expenses of a parish council or a parish meeting, together
 “with other expenses, shall state in the prescribed form the
 “proportion of the rate levied for the expenses of the council
 “or meeting, and the proportion (if any) levied for the purpose
 “of any of the adoptive Acts.”

“12.—(1) A parish council for any of the following purposes,
 “that is to say—

“(a) for purchasing any land, or building any buildings,
 “which the council are authorised to purchase or
 “build ; and

“(b) for any purpose for which the council are authorised
 “to borrow under any of the adoptive Acts ; and

“(c) for any permanent work or other thing which the
 “council are authorised to execute or do, and the
 “cost of which ought, in the opinion of the county
 “council and the Local Government Board, to be
 “spread over a term of years ;

“may, with the consent of the county council and the Local
 “Government Board, borrow money in like manner and
 “subject to the like conditions as a local authority may
 “borrow for defraying expenses incurred in the execution of
 “the Public Health Acts, and sections two hundred and thirty-
 “three, two hundred and thirty-four, and two hundred and
 “thirty-six to two hundred and thirty-nine of the Public
 “Health Act, 1875, shall apply accordingly, except that the
 “money shall be borrowed on the security of the poor rate
 “and of the whole or part of the revenues of the parish
 “council, and except that as respects the limit of the sum to
 “be borrowed, one-half of the assessable value shall be sub-
 “stituted for the assessable value for two years.

“(2) A county council may lend to a parish council any
 “money which the parish council are authorised to borrow,
 “and may, if necessary, without the sanction of the Local
 “Government Board, and irrespectively of any limit of borrow-
 “ing, raise the money by loan, subject to the like conditions
 “and in the like manner as any other loan for the execution

“of their duties, and subject to any further conditions which the Local Government Board may by general or special order impose.

“(3) A parish council shall not borrow for the purposes of any of the adoptive Acts otherwise than in accordance with this Act, but the charge for the purpose of any of the adoptive Acts shall ultimately be on the rate applicable to the purposes of that Act.”

As to the provisions of other Public General Statutes which make the borrowing of money by local authorities subject to the consent, sanction, or approval of the Local Government Board, reference should be made to the Part of this Work dealing with the particular subject concerned.

Purposes for which loans have been authorised by Local Government Board.—The tables contained in the Annual Reports of the Local Government Board show that loans have been authorised by the Board under (i) the Public Health Acts; (ii) the Municipal Corporations Act, 1882, and other public general statutes which make the borrowing of money subject to the provisions of that Act; (iii) the Local Government Act, 1888, and other Acts which make the borrowing of money subject to the provisions of that Act; (iv) the Poor Law Acts; (v) the Public Health (London) Act, 1891; and (vi) the Local Government Act, 1894, for the following (among other) purposes :

(i) Under the **Public Health Acts**—

Baths and washhouses;

Boats (*a*);

Bridges (including construction, reconstruction, improvement, purchase, and contributions towards cost, of bridges);

Cabmen's shelters (*b*);

Carts, vans, and waggons (*c*);

(*a*) Periods of from ten to fifteen years are usually allowed by the Local Government Board for the repayment of loans for steam launches, ferry boats, barges for removal of refuse, etc.

(*b*) A loan for this purpose can only be authorised if s. 40 of the Public Health Acts Amendment Act, 1890, is in force, and the application should state whether Part III. of that Act has been adopted.

(*c*) A period of ten years is usually allowed for the repayment of loans for these purposes.

(i) Under the PUBLIC HEALTH ACTS—*continued*.

Cemeteries ;
 Clocks ;
 Conveniences ;
 Costs of Provisional Orders ;
 Cottages for caretakers and workmen at public works (a) ;
 Culverting watercourses (b) ;
 Depôts (c) ;
 Disinfecting stations and apparatus ;
 Esplanade (marine) (d) ;
 Fencing (e) ;
 Fire brigade purposes (including fire stations, engines, escapes, ladders, telephonic communications for fire extinguishing purposes, alarms, call bells, etc.) ;
 Furniture and fittings for public buildings (f) ;
 Gravel pits and quarries for highway purposes (g) ;
 Horses and harness ;
 Hospitals (including buildings, ambulances, vans, etc.) ;
 House connections ;
 Hydrants ;
 Labouring class dwellings (h) ;

(a) In applying for sanction to a loan for this purpose, a statement of the grounds on which the local authority consider it necessary that they should provide the cottages and of the proposed terms of residence should be furnished. It should also be stated whether the authority have satisfied themselves that the exigencies of the particular undertaking require that the workmen should live close at hand and whether it is not practicable for the workmen themselves to obtain dwelling accommodation in the vicinity of the works.

(b) A period of thirty years is usually allowed for the repayment of loans for this purpose.

(c) The plans should include a map of the district showing by colour the position of the site, and a plan of the site on a larger scale.

(d) Periods of from twenty to thirty years are allowed for the repayment of loans for this work.

(e) Periods of from ten to twenty years are allowed for the repayment of loans for this purpose.

(f) Periods of from five to fifteen years are allowed for the repayment of loans for these purposes.

(g) In connection with applications for sanction to loans for these purposes, information should be furnished as to the area to be purchased, the nature of the materials to be obtained, and the period for which it is estimated that the gravel pit or quarry will supply the needs of the district, and a plan should be supplied showing the situation of the land.

(h) The loans in these cases were, presumably, sanctioned for carrying out housing schemes required by Acts confirming Provisional Orders issued under the Public Health Act, 1875, for the compulsory purchase of lands.

(i) Under the PUBLIC HEALTH ACTS—*continued*.

Land (including easements, and laying out) (a) ;
 Land tax, redemption of ;
 Lighting streets ;
 Machinery (b) ;
 Manufacture of asphalte, concrete slabs, bricks,
 mortar, etc. (c) ;
 Markets ;
 Mortuaries ;
 Offices ;
 Post-mortem rooms ;
 Private street improvement ;
 Public walks and pleasure grounds (including artificial
 lakes, greenhouses, band stands, shelters, seats,
 swings, gymnastic appliances, etc.) ;
 Refuse destructors ;
 Refuse disposal ;
 Repayment of loans (including mortgages of sewage
 lands) ;
 River walls (d) ;
 Sanitary appliances ;
 Scarifiers ;
 Scavenging ;
 Sea defences (including groynes, sea walls, and slip-
 ways) ;
 Sewage disposal ;
 Sewerage ;
 Sewer flushing (including sea water schemes) ;
 Sewer ventilation ;
 Sheds ;
 Shelters ;

(a) Sixty years are usually allowed for the repayment of loans for the purchase of freehold land under the Public Health Acts, and twenty years for laying out, planting, path-making, etc. The period usually allowed for easements is the same as that for the works for which the easements are required.

(b) Periods of from ten to fifteen years are usually allowed for the repayment of loans for this purpose.

(c) In connection with applications for sanction to loans for providing plant for such purposes, a copy of a resolution of the local authority should be furnished undertaking not to manufacture materials for sale, but only to sell such products of the plant as are not required for their own use.

(d) Periods of from twenty to thirty years are allowed for the repayment of loans for such work.

(i) Under the PUBLIC HEALTH ACTS—*continued*.

Slaughterhouses ;
 Stables ;
 Steam road rollers ;
 Stone crushers ;
 Storm water drainage ;
 Street improvement (public) ;
 Street watering (including sea water schemes) ;
 Subways ;
 Surface water drainage ;
 Survey map of district (*a*) ;
 Tithe rent charge, redemption of ;
 Urinals ;
 Water supply ;
 Weighing machines ;
 Wharves ;
 Workshops.

(ii) Under the **Municipal Corporations Act, 1882**, and other public general statutes which make the borrowing of money by town councils subject to the provisions of that Act—

Arboretum, enlargement of ;
 Baths, improvement of (*b*) ;
 Bridges ;
 Corn exchange ;
 Corporate estate, improvement of ;
 Cottages, erection of ;
 Council house and council chamber ;
 County court ;
 Court houses ;
 Courts of justice ;
 Fairs ;
 Fee farm rents, purchase of ;

(*a*) Applications for sanction to borrow money for this purpose should be accompanied by a statement whether the sewers and other public works in the borough or district will be shown on the map. A period of ten years is usually allowed for the repayment of such loans.

(*b*) There appears to have been only one instance of a loan being approved under the Municipal Corporations Act, 1882, for this purpose prior to December 31st, 1906, viz. Bath.

(ii) Under the MUNICIPAL CORPORATIONS ACT, 1862, etc.—
continued.

Fish stores ;
Foreshore (including purchase, and construction of
works for protection, of foreshore) ;
Furniture for municipal buildings ;
Ground rents, redemption of ;
Guildhalls ;
Inebriates Act, 1898 ;
Inquest room ;
Judges' lodgings ;
Land, purchase of ;
Land tax, redemption of ;
Latrines on corporate land ;
Laying out and fencing grounds attached to municipal
buildings ;
Leasehold interests, purchase of ;
Lighting municipal buildings ;
Lunatic asylums ;
Markets ;
Militia barracks ;
Mill stream, purchase of ;
Muniment room (a) ;
Municipal offices ;
Petty sessional courts ;
Police buildings (including police courts, police
stations, police houses, cells, etc.) ;
Polling station ;
Post office, land for, and alterations to buildings used as ;
Quays, improvement of ;
Recouping district fund value of land transferred to
corporate estate ;
Recreation grounds ;
Repayment of loans ;
Retaining wall ;
Rifle range on corporate estate (b) ;

(a) A loan was approved for this purpose in the case of Coventry during the year ended March 31st, 1893.

(b) A loan was approved for this purpose to the town council of Conway during the year ended March 31st, 1902.

- (ii) Under the MUNICIPAL CORPORATIONS ACT, 1882, etc.—
continued.

Small Dwellings Acquisition Act, 1899 ;

Town halls ;

Water supply (a) ;

Weights and measures offices and offices for inspection
of meters under the Sale of Gas Act, 1859 ;

Workmen's dwellings, conversion of corporate land
into sites for.

In cases of a borrowing under the Municipal Corporations Act, 1882, for a purpose which is not covered by the terms of s. 106, (*e.g.* where the loan is required for alterations and additions to buildings or other improvements of the corporate estate,) it is the practice of the Local Government Board to approve of the disposal by way of mortgage of all or any of the corporate estate for the purpose of raising the amount. Their instrument giving this approval, following in this respect s. 112 of the Act, provides also for charging the borough fund and borough rate as well as the particular corporate land included in the mortgage with the repayment of the principal and interest.

- (iii) Under the **Local Government Act, 1888**, and other Acts which make the borrowing of money by county councils subject to the provisions of that Act—

Assize courts.

Bridges (including freeing bridge from tolls, payment in respect of transfer of liability to repair and maintain bridge, construction, reconstruction, improvement, purchase, and contributions towards cost, of bridges),

Council chamber.

County offices.

Court houses.

Depôt.

Education Act, 1902.

Furniture.

Highways, improvement of.

(a) There appear to have been only one or two instances in which a loan has been approved under the Municipal Corporations Act, 1882, for this purpose.

(iii) Under the LOCAL GOVERNMENT ACT, 1888, etc.—*continued.*

Industrial schools (a).
 Inebriates Act, 1898.
 Isolation Hospitals Act, 1893 and 1901.
 Land, purchase of.
 Land tax, redemption of.
 Law costs.
 Law courts.
 Lunatic asylums.
 Main roads, improvement of.
 Military Lands Act, 1892.
 Open spaces.
 Petty sessional courts.
 Police buildings (including police stations, lock-ups,
 police cottages, cells, etc.).
 Private road, purchase and improvement of a.
 Provisional orders, costs of.
 Repayment of loans.
 Shire halls.
 Sign posts (Motor Car Act, 1903).
 Small Holdings Act, 1892.
 Steam road rollers and stone crushers.
 Water carts.
 Weights and measures offices.

(iv) Under the **Poor Law Acts.**

See Part LXVIII., “Workhouses and other Poor Law Buildings.”

(v) Under the **Public Health (London) Act, 1891—**

Conveniences (underground, etc.).
 Coroner's court.

(a) In connection with an application by a county council as a prison authority in pursuance of powers transferred to them by s. 3 (vii) of the Local Government Act, 1888, for consent to borrow money under that Act, for purposes of an INDUSTRIAL SCHOOL, it should be stated (1) whether the plans have been approved by the Secretary of State, (2) in whom the school is now vested, and (3) whether the statutory notice required by s. 12 of the Industrial Schools Act, 1866 (29 & 30 Vict. c. 118), has been given or whether it has been rendered inapplicable by a standing order made under s. 78 of the Local Government Act, 1888; and, where it is proposed to erect additional buildings, it should be stated whether the site of the new buildings forms part of the school premises. As to the borrowing of money by a local education authority for the purposes of an Industrial School, see Part XXI., “Education.”

(v) Under the PUBLIC HEALTH (LONDON) ACT, 1891—
continued.

Disinfecting stations and apparatus.

Inquests, accommodation for holding.

Post-mortem buildings.

Shelter or house accommodation for persons removed
from their homes in cases of infectious disease.

(vi) Under the Local Government Act, 1894—

Allotments.

Buildings for offices and meetings (including parish
rooms, village halls, etc.).

Burial grounds.

Cottages, repair of.

Fire stations, fire-engines and appliances.

Public lighting.

Reading rooms (*a*).

Recreation grounds.

General instructions as to applications to Local Government Board.—With respect to any of the purposes mentioned in the preceding lists which are not specially dealt with under the particular subject, it may be stated generally that applications to the Local Government Board to authorise the borrowing of money should be accompanied by the following documents and particulars, so far as they are applicable :

1. Under the Public Health Act, 1875—

- (1) A copy of a resolution of the local authority directing application to be made to the Local Government Board for sanction to borrow the amount required (*b*) ;
- (2) Plans and sections of any proposed works (*c*) ;
- (3) A certificate by the surveyor of the local authority that the plans comply in all respects with the byelaws in force in the district, so far as they are applicable. If there are no byelaws in force affecting the proposed works this should be stated ;

(*a*) A READING ROOM can only be provided by a parish council where the Public Libraries Acts are in force in the parish.

(*b*) See also "RESOLUTIONS," p. 8.

(*c*) See also "PLANS," p. 6.

- (4) A detailed estimate or statement showing how the amount proposed to be borrowed is made up (a) ;
- (5) A priced specification of any articles to be purchased ;
- (6) Particulars (in Form K, No. 2) (b) as to the assessable value and existing debt of the district ; and
- (7) As regards any land required for the purposes of the scheme, information should be supplied as to whether it already vests in the authority, and if not, whether a provisional agreement has been entered into for its acquisition. If the land is already vested in the authority, it should be stated when, under what statutory authority, and for what purpose, the land was acquired ; and, if purchased by means of a loan, particulars as to the loan should be supplied.

2. Under the Municipal Corporations Act, 1882—

- (1) A memorial of the town council under the corporate seal embodying the application ;
- (2) A copy of the notice given in pursuance of s. 236, endorsed with a certificate to the effect that the notice has been affixed to the town hall for one month prior to the date of the application, and that a copy of the intended application has been open to public inspection during that period ;
- (3) Plans and sections of any proposed works (c) ;
- (4) A certificate by the borough surveyor that the plans comply in all respects with the byelaws in force in the borough. If, however, the plan relates to a building exempted from the operation of the byelaws, reference should be given to the particular byelaw under which it is exempted.
- (5) A detailed estimate of the cost of the scheme (a) ;
- (6) Particulars (in Form K, No. 55) as to the rateable value and existing debt of the borough (b) ; and

(a) See also "ESTIMATES," p. 4.

(b) See also "FORMS," p. 5.

(c) See also "PLANS," p. 6.

- (7) As regards any land required for the purposes of the scheme, information should be supplied as to whether it already vests in the authority, and if not, whether a provisional agreement has been entered into for its acquisition. If the land is already vested in the town council, and does not form part of the ancient corporate estate, it should be stated when, under what statutory authority, and for what purpose, the land was acquired; and, if purchased by means of a loan, particulars as to the loan should be supplied.

Applications to the Local Government Board for approval of the borrowing of money under this Act should in all cases be embodied in a memorial of the town council under the corporate seal. No form has been prescribed by the Board for the memorial, but it should be on paper of foolscap size and should briefly describe the proposals of the council, set out the circumstances under which the application is made, specify the precise amount proposed to be borrowed, and pray that the Local Government Board will approve of the borrowing of the sum required for the purpose in question.

3. Under the Local Government Act, 1888—

- (1) A copy of a resolution of the county council directing application to be made to the Local Government Board for consent to borrow the sum required (a);
- (2) Plans and sections of any proposed works (b);
- (3) A certificate by the surveyor of the district in which the building is situate that the plans comply in all respects with the byelaws in force in the district. If, however, the building is exempted from the operation of the byelaws, or there are no byelaws in force affecting the proposed works, the fact should be stated, and, in the former case, a reference should be given to the particular byelaw under which the building is exempted;

(a) See also "RESOLUTIONS," p. 8.

(b) See also "PLANS," p. 6.

- (4) A detailed estimate of the cost of the scheme (*a*) ;
- (5) Particulars (in Form K, No. 15) (*b*) as to the rateable value and existing debt of the county ; and
- (6) As regards any land which may be required for the purposes of the scheme, information should be supplied as to whether it already vests in the council, and, if not, whether a provisional agreement has been entered into for its acquisition. If the land is already vested in the council, it should be stated when, under what statutory authority, and for what purpose the land was acquired.

4. Under the Local Government Act, 1894—

- (1) A copy of a resolution of the parish council directing application to be made to the Local Government Board for consent to borrow the amount required (*c*) ;
- (2) A copy of the document conveying the consent of the county council to the loan ;
- (3) A copy of the resolution of the parish meeting (signed by the chairman thereof) consenting to the parish council incurring the expenses or liabilities for which the loan is required. If a poll was demanded, the result should be stated ;
- (4) Plans and sections of any proposed works (*d*) ;
- (5) A certificate by the surveyor of the rural district council that the plans comply in all respects with the bye-laws in force in the parish. If there are no bye-laws in force affecting the proposed works, this should be stated ;
- (6) A detailed estimate of the cost of the scheme (*a*) ;
- (7) Particulars (in Form K, No. 100) (*b*) as to the rateable value and existing debt of the parish ;
- (8) As regards any land required for the purposes of the scheme, it should be stated whether the land already

(*a*) See also "ESTIMATES," p. 4.

(*b*) See also "FORMS," p. 5.

(*c*) See also "RESOLUTIONS," p. 8.

(*d*) See also "PLANS," p. 6.

vests in the council ; and, if not, whether a provisional agreement has been entered into for its acquisition. If the land is already vested in the parish council, it should be stated when, under what statutory or other authority, and for what purpose it was acquired ; and

- (9) A brief statement of the proposals of the parish council and of the circumstances under which the application is made.

5. Under Local Acts and Provisional Orders—

- (1) A copy of a resolution of the local authority directing application to be made to the Local Government Board for sanction to borrow the amount required (a) ;

[NOTE.—The resolution should state under what local Act or Provisional Order, and under what section or article thereof, the application is made.]

- (2) Plans and sections of the proposed works (b) ;
- (3) A certificate by the surveyor of the local authority that the plans comply in all respects with the byelaws in force in the district. If there are no byelaws in force affecting the proposed works, or the building is exempted from the operation of the byelaws, the fact should be stated ;
- (4) A detailed estimate of the cost of the works (c) ;
- (5) A statement showing (a) the amount already borrowed, and (b) the borrowing power still available, for the execution of the works ; and
- (6) As regards any land required for the purposes of the scheme, it should be stated whether the land already

(a) See also "RESOLUTIONS," p. 8.

(b) See also "PLANS," p. 6.

(c) See also "ESTIMATES," p. 4.

vests in the authority, and, if not, whether a provisional agreement has been entered into for its acquisition. If the land already vests in the local authority, it should be stated when, under what statutory authority, and for what purpose it was acquired, and, if acquired for a purpose different from that which forms the subject of the proposed loan, a reference should be given to the particular statutory provision which, it is considered, authorises the appropriation of the land for the intended purpose. If the land was purchased by means of a loan, particulars as to the loan should be supplied.

Procedure of Local Government Board before sanctioning loans.—The following paragraphs, explanatory of the procedure of the Local Government Board in dealing with applications for their sanction to loans, are extracted from the Thirty-sixth Annual Report of the Board (1906—1907) :

“ We have, as in previous years, required the borrowing
 “ authorities to supply us with detailed particulars as to the
 “ manner in which it has been proposed to expend the loans
 “ which we have been asked to sanction, and we have been
 “ careful to satisfy ourselves that the works for the execution
 “ of which our sanction has been given were reasonably re-
 “ quired, that due regard had been paid to economy, and that
 “ the cost of the works had been properly estimated. With the
 “ view of obtaining full information on these points, and of
 “ affording all persons interested an opportunity of being heard
 “ on the subject, we have, in relation to a large number of the
 “ applications for permission to borrow money, caused local
 “ inquiries to be held by our inspectors after public notice
 “ in the districts. Before granting our sanction, we have also
 “ required the authorities to inform us of the arrangements
 “ made by them for the due discharge of their debt, if any.
 “ In some cases we have found that the conditions upon which
 “ loans have been sanctioned have been disregarded, and by
 “ bringing the matter under the notice of the authority a
 “ more strict compliance with the requirements of the statutes
 “ has frequently been secured.”

“In the case of several local authorities we have found it advisable, in fixing the period for the repayment of loans, to prescribe that this shall run from the date of our sanction instead of from the date of the actual borrowing, upon proper mortgage of the rates.”

Apportionment of loan.—In the case of a loan for land or for a building required for two or more purposes, the amount of the proposed loan should be apportioned approximately, if not exactly, between these purposes, and the sum required for each purpose should be stated. A plan should also be furnished showing how the land or building is to be allocated to the several objects where this has been decided upon. It is the practice of the Local Government Board in such cases to issue a separate sanction as regards the borrowing of the amount required for each purpose.

Balances of loans.—Where a loan has been advanced by the Public Works Loan Commissioners, and the purposes for which the loan was advanced have been carried out, any unexpended balance should, in accordance with the provisions of s. 4 of the Public Works Loans Act, 1878, be remitted as soon as practicable to the Commissioners to be applied by them to the reduction of the debt, unless an appropriation of the balance to defray the cost of other works as mentioned below is authorised. The Commissioners prefer not to be repaid fractions of a pound.

The application of an unexpended balance of a loan to works other than those for which the loan was sanctioned is authorised by s. 9 of the PUBLIC WORKS LOANS ACT, 1881 (44 & 45 Vict. c. 31), which provides that:

“The unapplied balance of any loan advanced by the Public Works Loan Commissioners, either before or after the passing of this Act, on the security of a rate, may, with the consent of the said Commissioners, and of the central authority or department, if any, with whose sanction or consent such loan was authorised to be raised, be applied to any purpose to which moneys borrowed on the security of such rate are

“properly applicable; and in construing section thirty-six of the Public Works Loans Act, 1875, and section four of the Public Works Loans Act, 1878, the purpose to which any such unapplied balance as aforesaid is so applied, shall be deemed to be the purpose for which that portion of the loan was advanced.”

This enactment, which applies only to loans advanced by the Public Works Loans Commissioners, requires the consent of both the Local Government Board and the commissioners to the transaction. The consent of the commissioners need not, however, be obtained until after the consent of the Local Government Board has been given.

In any case in which application is made under the above-cited section for the consent of the Local Government Board to the application of an unexpended balance of a loan to works other than those in respect of which the loan was sanctioned, it should be stated that the balance forms part of a loan advanced by the Public Works Loan Commissioners; and information should be furnished as to the date of the sanction, the date on which the loan was raised, and the purpose and period for which the loan was sanctioned, and whether all the works in respect of which the loan was authorised have been carried out. If it is proposed to appropriate the balance to defray the cost of works for which a loan has already been sanctioned, it will be necessary that the sanction or order authorising that loan should be returned to the Board, so that it may be wholly or partially cancelled as the circumstances require. If, however, it is proposed to apply the balance to defray the costs of works which have not previously formed the subject of a loan application, the same particulars as to the works should be supplied as are required in the case of an application for a sanction to a loan.

In cases in which the loan has been obtained from some lender other than the Public Works Loan Commissioners, any unexpended balance of a loan other than a loan raised under the Poor Law Acts, or by the creation of stock under the stock regulations made by the Local Government Board, should be returned to the lenders, if they can be required or are willing to take it back, and, if not, it should be disposed of as follows :

- (1) If the loan of which the balance forms part is being repaid by means of an accumulating sinking fund, the balance should be added to the sinking fund, the annual payment to such fund being reduced accordingly.
- (2) If the loan is being repaid by instalments, the balance should be invested in authorised securities and a proportionate amount should be sold out and applied each year during the unexpired term of the loan towards making up the annual instalments of principal and interest.

Where the balance forms part of a loan raised by the issue of stock under the regulations above referred to, it must be paid into the redemption fund in accordance with the requirements of those regulations (see Art. 3 of the Stock Regulations, 1901, and Art. 3 of the County Stock Regulations, 1901).

In regard to unexpended balances of poor law loans, the Local Government Board are empowered to consent under s. 2 (4) of the Poor Law Act, 1889, to the unapplied balance of any loan raised by a poor law authority being applied to any purpose for which a loan can be raised under that Act by such authority.

In the case of a loan obtained by a poor law authority from the Public Works Loan Commissioners, it is the practice of the Board to deal with an application for its appropriation under s. 9 of the Public Works Loans Act, 1881, and not under s. 2 of the Act of 1889. An application for consent under the last-named section to appropriate a balance of a loan raised from other lenders should be accompanied by information as to the date of the order authorising the loan of which the balance remains, and the purpose of the loan. If it is proposed to apply the balance to defray expenditure which has been authorised by the Board, a reference should be given to the particular order or sanction authorising the expenditure, and, if a loan was authorised to defray the expenditure, it should be shown that an unexhausted borrowing power of at least the amount of the proposed appropriation remains, and the prints of the orders authorising the loan should be returned for whole or partial cancellation. If the balance is to be used to defray the cost of works, the expenditure on which has not

been authorised, particulars of the works should be furnished as if an application were made for a loan. If it is proposed to apply the balance in repayment of a loan, it should be stated whether the lenders are willing or can be required at short notice to accept repayment, and particulars should be forwarded as to the date of the order authorising the loan in question, the date of borrowing, and the amount outstanding.

Debentures.—Section 26 of the LOCAL LOANS ACT, 1875 (38 & 39 Vict. c. 83), enacts as follows :

“ Any local authority about to raise a loan by the issue of
“ any securities under this Act may apply to the Local Govern-
“ ment Board to authorise the issue of such securities under
“ official sanction.

“ The Local Government Board, before granting their
“ official sanction to such issue, shall require the local authority
“ to furnish in such form, and with such particulars, and
“ supported by such evidence as the Local Government Board
“ may require, such returns of the financial condition of such
“ authority and borrowing powers of such authority and of
“ the indebtedness of such authority, whether incurred before
“ or after the passing of this Act, and such other particulars as
“ will enable the Local Government Board to ascertain the facts
“ required by this section to be stated in relation to such issue,
“ and the Local Government Board may make such examina-
“ tion or inquiries for ascertaining the said matters and the
“ accuracy of such returns as they may think expedient, and
“ they shall not give their sanction unless they are satisfied with
“ the information given and the result of the inquiries made.

“ The issue of any securities under official sanction shall be
“ authenticated by an official stamp on such securities or
“ otherwise as the Local Government Board may from time
“ to time direct.

“ The sanction of the Local Government Board given in
“ respect of any securities shall be conclusive evidence that
“ the local authority by whom such securities may be issued
“ had power to issue the same, and that the same have been
“ duly issued, and are as to form and otherwise in conformity
“ with this Act.

“ The owner of any security issued under official sanction
“ shall on request made by him to the Local Government

“Board be furnished with a statement of the following particulars; that is to say,

“Where a security is charged on a rate, of the rateable value, at the date of the issue of such security, of the property subject to the rate, and where the security is a charge on property, of the estimated value of such property; also of

“The relative priority of the loan, in respect of which such security is issued, and of the other loans (if any) of the borrowing authority;

“and such statement shall be evidence of the particulars therein stated.”

An application for the official sanction of the Local Government Board under this enactment to the issue of debentures should be accompanied by—

- (1) A copy of a resolution of the local authority authorising the application and fixing the date of the loan for the purposes of the Act;
- (2) A draft form of the debenture proposed to be issued and of any coupons to be attached thereto;
- (3) Information as to which of the methods specified in s. 13 of the Act is to be adopted for the discharge of the loan;
- (4) Particulars (to be verified by statutory declaration) as to (i) the rateable value of the district, and (ii) the existing debt of the district under all the Acts in force therein (a); and
- (5) A copy of any general rules intended to be made under s. 30.

The Board have not issued any rules or regulations with reference to debentures under the Local Loans Act, 1875; but they have approved rules with respect to the issue and transfer of debentures made under s. 30 of the Act by the Somerset, Bucks, Kent, Warwick, Wilts, Worcester, and North Riding of Yorkshire County Councils and other local authorities.

(a) Forms for these particulars can be obtained from the Local Government Board; but, in applying for the forms, it should be stated that they are required in connection with a proposed application for official sanction to the issue of DEBENTURES under the Local Loans Act, 1875.

Loans to defray excess expenditure.—An application for sanction to borrow money to defray excess expenditure on works in respect of which a loan has already been sanctioned by the Local Government Board should be made in the same manner as an ordinary application for sanction to borrow money, and should be accompanied by the information indicated in Form K, No. 121 (when that form is applicable), a copy of the contract entered into for the execution of the works, a copy of the specification of the works, and particulars in the appropriate official form as to the assessable or rateable value and existing debt of the district. If there have been any deviations from the scheme in respect of which the former loan was sanctioned which have not received the approval of the Board, plans illustrating such deviations should be submitted together with an explanation as to why these were carried out without first obtaining such approval.

Execution of works.—Except in the case of poor law authorities, the sanction of the Local Government Board is not, speaking generally, necessary to the purchase of land or the execution of works by a local authority, where the cost is to be defrayed out of rates; but, in all cases in which it is desired to raise a loan for the purpose and such loan requires the sanction of the Board, the local authority should be careful to obtain the sanction to the necessary loan before purchasing the land or commencing the works. Otherwise, the authority will run the risk of having to defray the expenditure out of rates in the event of the Board declining for any reason to sanction the loan.

It is not the usual practice of the Local Government Board to assent to the purchase of land or the commencement of works in anticipation of their sanction being obtained to the requisite loan; and, in any case in which the circumstances are considered to be of so exceptional a character as to render immediate action necessary, the local authority should represent the facts to the Board, and request them not to refuse sanction to the loan which will be required on the ground that the works have been commenced. Tenders

should not be finally accepted or contracts entered into for the execution of works, the cost of which is to be met by means of a loan to be sanctioned by the Local Government Board, until the Board's sanction to the loan has been granted.

In carrying out schemes in respect of which loans have been sanctioned by the Board, it is important that the plans on which the loan was sanctioned should be strictly adhered to, and no deviation should be made without their previous consent. An application for consent to any deviation from the approved scheme should be accompanied by plans illustrating the proposed alterations and a statement of the grounds on which the proposal is considered desirable. If the deviation will necessitate the borrowing of a further sum of money, a revised estimate of the cost of the scheme should also be submitted, together with a copy of a resolution of the local authority directing application to be made for sanction to borrow the amount required, and particulars as to the assessable or rateable value and existing debt of the district in the appropriate official form.

Loan for expenditure already incurred.—In any case in which it is proposed to borrow money in respect of expenditure already incurred, it should be stated when and under what circumstances the expenditure was incurred, from what source it has been met, whether it was originally intended that the cost should be defrayed out of a loan, and, if so, why application for sanction to the loan was not made before, and whether such expenditure has been included in closed and audited accounts.

The Local Government Board are not ordinarily willing to sanction the borrowing of money in respect of expenditure which has been included in closed and audited accounts, and where they sanction loans for expenditure already incurred, it is their usual practice to deduct from the loan a sum equal to the amount which would have been repaid if the loan had been raised when the expenditure was incurred and to reduce the period for the repayment of the loan, if a year or more has elapsed since the work was carried out.

If evidence, such as extracts from the minutes of the local authority, can be furnished to rebut the presumption that it was not the original intention of the authority to defray the expenditure out of borrowed money, this should be supplied.

Expenditure of loans advanced by Public Works Loan Commissioners.—Section 36 of the PUBLIC WORKS LOANS ACT, 1875 (38 & 39 Vict. c. 89), enacts as follows :

“Where the Loan Commissioners advance any loan for any purpose on the security of a rate, it shall be the duty of the Local Government Board to satisfy themselves that the loan is applied to such purpose; they may from time to time make such examination as they may think necessary with a view to ascertain that such loan has been so applied.

“The Local Government Board may appoint any officer to conduct on their behalf any examination under this section, and such officer shall have the same powers to require the attendance of persons and the production of accounts and other documents, so far as such attendance or production is required for the purpose of such examination, as an inspector of the Local Government Board has under the Acts relating to the relief of the poor.”

And s. 4 of the PUBLIC WORKS LOANS ACT, 1878 (41 Vict. c. 18), provides that :

“Whereas by section thirty-six of the Public Works Loans Act, 1875, the Local Government Board are required to satisfy themselves that any loan advanced by the Public Works Loan Commissioners on the security of a rate is applied to the purpose for which it is advanced, and are authorised to appoint any officer to conduct on their behalf such examination as they may think necessary with a view to ascertaining that the loan has been so applied, and it is expedient to make further provision with respect to the powers of the Local Government Board for the purposes of the said section : Be it therefore enacted as follows :

“Where upon any examination made in pursuance of section thirty-six of the Public Works Loans Act, 1875, with reference to a loan advanced by the Public Works Loan Commissioners for any purpose on the security of a rate, it

“appears to the Local Government Board that any sum, being
“the whole or part of the money raised by the loan, has not
“been applied for the said purpose, the Local Government
“Board may order that sum to be, within the time named in
“the order, applied either for the said purpose or towards the
“repayment to the Public Works Loan Commissioners of the
“principal of the loan, or partly in one of such ways and
“partly in the other, and further, if it appears to them that
“the sum, or any part thereof, has been applied for some
“purpose other than that for which it was advanced, may by
“the same or any other order direct a sum equal to the
“amount so misapplied to be raised within the time and out
“of the fund or rate named in the order and to be applied as
“directed by the above-mentioned order.

“An order made by the Local Government Board in
“pursuance of this section may be enforced by writ of
“mandamus.”

When a certificate has been signed by the Public Works Loan Commissioners for an advance, the Local Government Board should be furnished with a Return of Expenditure in Form S, 3, with respect to such advance. In filling up this Return, the instructions embodied in Form S, 14, should be carefully observed (*a*).

The return must be verified by a statutory declaration made by the clerk or some other officer of the authority cognisant of the facts therein set forth before a justice of the peace, notary public, or other officer authorised by law to administer an oath. A form for the purpose is provided on the face of the return.

Law costs.—In all cases in which it is proposed to defray law costs (other than ordinary legal expenses incidental to the purchase of land by agreement or the raising of the loan) out of a loan to which the sanction of the Local Government Board is required, taxed bills of the costs should be submitted to the Board. These will be returned to the local authority when a decision has been given upon the application.

(*a*) Copies of these forms are supplied by the Local Government Board.

Mortgage of sewage lands, etc.—The sanction of the Local Government Board is not required to the mortgage of sewage lands and plant under s. 235 of the Public Health Act, 1875, within the limits mentioned in that section (a), but their sanction is necessary to the borrowing of money on the security of the rates for the purpose of paying off any such mortgage. In connection with an application for sanction to a loan for this purpose, a copy of a resolution of the local authority directing the application to be made should be forwarded to the Board, together with particulars of the mortgage proposed to be paid off, a detailed statement showing how the money raised by the mortgage was expended, and plans of the works carried out. The conveyance or mortgage deed should also be submitted for the inspection of the Board, or, if this cannot be done, a copy of the receipts endorsed on the deed should be furnished.

Periods for repayment of loans.—Where borrowing powers are conferred in respect of works or objects which form the subject of a separate part of this volume, information will be found in that part as to the precise periods usually allowed for the repayment of loans raised for such work or object. In some other cases information on this point is given in the notes on pp. 131—138 *ante*. The question of the period for the repayment of loans has recently been considered by a select committee appointed by the House of Commons.

The following is a summary of the recommendations of that committee (*Report from the Select Committee on repayment of loans by local authorities, Parliamentary Paper, No. 239 (1902). Price 3s. 8d.*).

- (1) That the maximum periods for repayment of loans under the following Acts should be extended to sixty years—Municipal Corporations Act, 1882; Local Government Act, 1888.
- (2) That some postponement of the payment of the first instalment should be allowed in the case of certain works.

(a) The provisions of this section are set out on p. 118.

- (3) That the sanctioning authority should be empowered to fix the method of repayment in all cases; and to provide for the establishment of a repairs fund where necessary.
- (4) That Standing Order 173 should be amended so as to prohibit the method of obtaining borrowing powers by Private Bill where legal necessity for obtaining such borrowing powers by this procedure does not exist.
- (5) That Private Bill Committees should, except where they undertake detailed inquiry, leave the fixing of the exact periods for repayment to a Government department.
- (6) That five years should be the ordinary maximum period for repayment of loans for the cost of promotion of Private Bills.
- (7) That the maximum period for the repayment of loans for actual re-housing operations under Parts I. and II. of the Housing of the Working Classes Act, 1890, should be eighty years (a).
- (8) That—subject to the adoption of the instalment system of repayment—the maximum period for the repayment of loans for land under Part III. of the Housing of the Working Classes Act, 1890, should be extended to eighty years (a).

EQUATED PERIODS.—It is stated in paragraph 5 of the report of the Select Committee that—

“The Local Government Board and the Board of Trade hold that the maximum periods mentioned in general Acts refer to the most durable items of the work for which borrowing powers are sought. It is therefore their practice to examine each item of the estimates for such work, and to assign to each group of items an appropriate term for the repayment of the loan required for it. In order to avoid a multiplication of separate loans, the course usually adopted is to grant

(a) Legislation has since been enacted making eighty years the maximum period for loans under the Housing of the Working Classes Acts (see s. 1 (1) of the Housing of the Working Classes Act, 1903).

“an equated period for the whole loan, which is arrived at
 “by considering the sums required for each group of items,
 “and the term assigned to that group. The result of this
 “severance and equation is to reduce the periods allowed
 “below the maximum periods mentioned in the Acts, but
 “equation is not practised where the sums included in each
 “group are large, and the local authority express a preference
 “for separate loans.”

The following example of how an equated period for the repayment of a loan for gasworks purposes is determined is given on p. 261 of the report :

Description of Work.	Estimated Cost.	Usual Term.	—
	£		£
Buildings	2,500	× 30 years	= 75,000
Mains	1,245	× 30 years	= 37,350
Gasometer	1,500	× 30 years	= 45,000
Condensers	530	× 30 years	= 15,900
Purifiers	1,000	× 20 years	= 20,000
Benches	1,200	× 15 years	= 18,000
Meters	530	× 10 years	= 5,300
Retorts	600	× 2 years	= 1,200
Total . . £	9,105	-divided into-	217,750 = 23·9 years.

The period allowed would accordingly be 24 years.

Advances by Public Works Loan Commissioners.—The following paragraphs appear in the circular letter of the Local Government Board, dated October 15th, 1898, which was addressed to town councils and other urban district councils :

“*The Public Works Loans Act, 1898.*

“Section 11 of the Public Works Loans Act, 1875 (38 &
 “39 Viet. c. 89), provided that every loan granted by the
 “Public Works Loan Commissioners under that Act should
 “be repaid within a period from the date of the actual
 “advance of such loan not exceeding the period authorised
 “by the special Act relating to the loan, or, if no period was
 “so authorised, not exceeding twenty years. In the latter
 “case, however, the Treasury might, on the recommendation
 “of the Commissioners, stating special circumstances, extend
 “the period of repayment. By s. 5 of the Public Works
 “Loans Act, 1898, thirty years are substituted for twenty

“in s. 11 of the Act of 1875. Hence, in the case of any sum borrowed by the council from the Public Works Loan Commissioners, the Commissioners will be able to lend the money for a period not exceeding thirty years without any action on the part of the Treasury. No recommendation from the Board will be required in any such case; but a recommendation from them under s. 243 of the Public Health Act, 1875 (38 & 39 Vict. c. 55), will still be necessary where the council propose to borrow from the Commissioners for a longer period than thirty years for works executed under the Public Health Acts. The Board understand that the Commissioners only advance money under this section for works of primary sanitary importance, and consequently the Board only give recommendations under it for works of this kind.

“The Board also understand that the Commissioners consider that they can only lend money for the purposes of Part I. of the Housing of the Working Classes Act, 1890 (53 & 54 Vict. c. 70), when the loan is recommended under s. 25 (5) of that Act. Hence a recommendation from the Board will always be requisite, if the council propose to borrow from the Commissioners for these purposes, whatever may be the period within which the loan is to be repaid.”

The following is a copy of the notice issued by the Treasury fixing the rates of interest at present charged to local authorities on loans advanced by the Public Works Loan Commissioners :

“The Lords Commissioners of His Majesty’s Treasury hereby give notice that, in pursuance of the powers conferred upon them by the Public Works Loans Act, 1897 (60 & 61 Vict. c. 51, s. 1), they have been pleased to direct by their minute of the 9th September, 1907, that on loans granted out of the Local Loans Fund, on the security of local rates, subsequently to the date of that minute, there shall be chargeable, in lieu of the rates of interest fixed by the Treasury minute of the 3rd March, 1904, the following rates of interest, viz. :

Period of Repayment.		Rates of Interest.	
“ Not exceeding 30 years	...	3½	per cent. per annum.
„ 50 „	...	3¼	„

ADVANCES BY PUBLIC WORKS LOAN COMMISSIONERS. 157

The following tabular statement shows the rates of interest fixed from time to time by previous Treasury minutes as regards loans advanced by the Public Works Loan Commissioners :

Date of Treasury Minute authorising Rate to be charged.	Loans Repayable within Periods not exceeding	Rates of Interest per annum.
(Prior to May 15th, 1885) . . .	20 years	3½ per cent.
	30 "	3¾ " "
	40 "	4 " "
	50 "	4½ " "
May 15th, 1885	35 years	3½ per cent.
	40 "	3¾ " "
	50 "	4 " "
	50 "	4 " "
August 7th, 1897	30 years	2¾ per cent. (a)
	40 "	3 " "
	50 "	3½ " "
	50 "	3½ " "
November 2nd, 1899	30 years	3 per cent.
	40 "	3½ " "
	50 "	3½ " "
	50 "	3½ " "
January 18th, 1900	30 years	3½ per cent.
	40 "	3½ " "
	50 "	3½ " "
	50 "	3½ " "
March 3rd, 1904	20 years	3½ per cent.
	30 "	3¾ " "
	40 "	4 " "
	50 "	4½ " "

The Public Works Loan Commissioners do not advance money for a longer period than fifty years, apart from loans to county councils for the purposes of the Small Holdings Act, 1892, as amended by the Small Holdings and Allotments Act, 1907. As to this see s. 14 (2) b, of the latter Act.

Letters to the Public Works Loan Commissioners should be addressed to :

THE SECRETARY,
Public Works Loan Board,
Old Jewry, London, E.C.

The following extracts from the Reports of the Public Works Loan Board show that the Board are now refusing to lend money to certain authorities and for certain purposes.

The Annual Report of the Public Works Loans Board for 1899—1900 stated that the Board had decided not to entertain applications for loans in the following cases—

- (a) Loans required for commercial undertakings, such as electric lighting, gas supply, and tramways.

(a) The minimum rate allowed by the Public Works Loans Act, 1897 See s. 1.

- (b) Loans required by the Metropolitan Asylums Board, the London School Board, and the vestries and boards of guardians in the metropolitan district; these authorities having power to borrow from the London County Council at low rates of interest.
- (c) Loans required by local authorities of districts having a large rateable value, these authorities being able, without any very great difficulty, to borrow money in the open market.

The Thirtieth Annual Report of the Public Works Loan Board (1904—1905), after alluding to the Treasury Minute dated 3rd March, 1904, above referred to, and to the hope expressed by the Treasury that the Public Works Loan Commissioners would find it possible to give preference to loans for purposes which Parliament has specially intended to encourage, and to those local authorities who are least able to command loans from other sources, stated that they had decided to further exclude—

(1) All loans to local authorities having a rateable value of £200,000 or over, except loans to county councils for the purposes of the Education Act, 1902, and loans for the purposes of the Small Dwellings Acquisition Act and the Housing of the Working Classes Acts.

(2) All loans under local Acts, for any purposes whatever; and, subject to this, the Board decided to grant loans only in the following class:—

- (a) Cases in which they were enabled, prior to 1897, to grant loans on specially favourable terms, or in which (as in the case of loans under the Military Lands Acts and the Poor Law Acts) the Treasury have recognised the claims of borrowers to special consideration;
- (b) Cases in which, owing to their small rateable value, local authorities would find it difficult, if not impossible, to borrow elsewhere.

Class (a) includes (in addition to loans under the Military Lands Acts and the Poor Law Acts, already referred to) loans for educational purposes, sanitary works (under the Public

Health Acts), and loans under the Housing of the Working Classes Acts, the Small Dwellings Acquisition Act, and the Harbours and Passing Tolls, etc., Act.

Class (b) includes chiefly parish councils and burial boards, for any of the purposes for which these authorities may borrow.

Reborrowing.—Where the sanction of the Local Government Board is required to the borrowing of money for the purpose of paying off existing loans, the application for such sanction should be made in the same manner as an ordinary application for sanction to borrow money, and should be accompanied by information in the appropriate official form as to the assessable or rateable value and existing debt of the district, the particular loans proposed to be paid off being distinguished in the form. If any of the loans to be repaid were advanced by the Public Works Loan Commissioners, a note to this effect should be made in the form as regards each such loan. It should at the same time be stated, with respect to each loan to be repaid, whether the lenders can be required or are willing to accept repayment at short notice. It is the practice of the Local Government Board in these cases to limit their sanction to the reborrowing of the amount properly outstanding in respect of each loan, or, if the loan is being repaid by means of a sinking fund, to the amount outstanding less the amount which at the date of their sanction should be in the sinking fund in respect of the loan.

When the reborrowing has been effected, the sanction to the original loan should be forwarded to the Local Government Board in order that a memorandum as to the reborrowing authorised may be placed thereon. The sanction is then returned to the local authority or lenders (as the case may be).

Repairs.—The Local Government Board do not sanction loans for works in the nature of ordinary repairs. Accordingly, no items of such a character should be included in an estimate submitted in connection with an application for sanction to a loan.

Sanctions.—It is competent to local authorities to raise the amounts authorised to be borrowed by sanctions of the Local Government Board in such sums and at such times as may be found most convenient, provided that in each case the money is raised on a properly executed mortgage. The local authority may borrow the money from any source they please.

In any case in which the local authority decide not to act on the sanction, it should be returned to the Local Government Board for cancellation. In returning the sanction it should be stated that no money has been borrowed under its authority, and an explanation should at the same time be furnished as to the reasons of the local authority for not exercising the borrowing power conferred by the sanction.

In cases where a part only of the amount authorised to be borrowed has been raised and the local authority do not intend or require to borrow any further sum under the sanction, the sanction should be forwarded to the Local Government Board for cancellation to the extent to which it has not been acted upon, with a statement as to the precise amount borrowed under its authority, and information as to whether all the works in respect of which the loan was sanctioned have been executed and paid for. If this is not the case, a statement should be furnished as to the particular works not carried out, and the reasons of the local authority for the abandonment of such works. The necessary endorsement having been made on the sanction by the Board, it is returned to the local authority or lenders (as the case may be).

Superseded works.—In every case in which the proposals involve the supersession (or abandonment) of any works the cost of which has been defrayed out of a loan which has not been wholly repaid, the following particulars should be supplied:

- (1) A statement as to what works will be superseded;
- (2) The amount of the loan;
- (3) The date on which the loan was sanctioned;
- (4) The original cost of the works to be superseded; and

- (5) The amount of debt (approximate, if not exact) outstanding on such works.

It is the practice of the Local Government Board, in arriving at the amount of the loan to be sanctioned for new works, to deduct the debt outstanding in respect of the original works which the new works will supersede.

Wages of workmen employed by local authority.—The Local Government Board take the view that the wages of workmen permanently employed by a local authority should not be paid out of borrowed money, but should be defrayed out of revenue as establishment expenses; and it is consequently their practice to exclude from amounts authorised by them to be borrowed for the execution of works any sums which would be paid in respect of such wages. This rule does not of course apply to the wages of workmen specially employed for the particular work. It was explained by the President of the Board (Mr. John Burns) in the House of Commons on May 2nd and 20th December, 1906, in reply to questions by Mr. Hudson and Mr. Snowden, that the rule was not intended to prevent local authorities from carrying out works themselves by means of men engaged for the purpose. The Board on the 4th February, 1907, issued a circular to local authorities, enclosing for their information a copy of the questions referred to together with a copy of the President's replies. A copy of the circular can be obtained on application to the Board.

It is also the practice of the Board, where a local authority propose to use materials manufactured by a regular staff of workmen engaged by them for the purpose, to deduct from any loan which may be sanctioned for works involving the use of such materials an amount representing the wages paid for labour in connection with the manufacture of the materials.

PART XI.—BRIDGES.*

Statutory provisions.—The principal Public General Statutes which confer powers and duties on local authorities in England and Wales (other than metropolitan borough councils) in relation to bridges are as follows:

1. COUNTY COUNCILS :

Local Government Act, 1888 (51 & 52 Vict. c. 41); and
Highways and Bridges Act, 1891 (54 & 55 Vict. c. 63).

2. TOWN COUNCILS (as municipal corporations):

Municipal Corporations Act, 1882 (45 & 46 Vict. c. 50).

3. TOWN COUNCILS (as sanitary authorities) and URBAN
DISTRICT COUNCILS :

Public Health Act, 1875; and
Highways and Bridges Act, 1891.

4. RURAL DISTRICT COUNCILS :

Local Government Act, 1894;
Highways Acts;
Public Health Act, 1875; and
Highways and Bridges Act, 1891.

Any detailed description of the above Acts is outside the scope of the present work; but attention is drawn to the following enactments:

PUBLIC HEALTH ACT, 1875.—Section 4 defines a “street” to include (*inter alia*) any public bridge (not being a county bridge).

Section 147 provides that:

“Any urban authority may agree with the proprietors of
“any canal railway or tramway to adopt and maintain any

* **BIBLIOGRAPHY.**—Lumley’s “Public Health,” latest edition. “Encyclopædia of Local Government Law,” vol. iii. pp. 395—527. “Encyclopædia of Forms and Precedents,” vol. vi. pp. 356 *et seq.* Pratt and Mackenzie’s “Law of Highways, Main Roads, and Bridges.”

“existing or projected bridge viaduct or arch within their district, over or under any such canal railway or tramway, and the approaches thereto, and may accordingly adopt and maintain such bridge viaduct or arch and approaches as parts of public streets or roads maintainable and repairable by the inhabitants at large within their district; or such authority may themselves agree to construct any such bridge viaduct or arch at the expense of such proprietors; they may also, with the consent of two thirds of their number, agree to pay, and may accordingly pay, any portion of the expenses of the construction or alteration of any such bridge, viaduct or arch, or of the purchase of any adjoining land required for the foundation and support thereof, or for the approaches thereto.”

MUNICIPAL CORPORATIONS ACT, 1882.—Section 119 enacts as follows :

“*Borough Bridges.*”

“(1) Every bridge which is either wholly or in part in a borough and which the borough and not the county wherein the borough is situate is legally bound to maintain or repair shall, as to the whole of the bridge if it is wholly in the borough, or as to such part only as is in the borough, be maintained, altered, widened, repaired, improved, or rebuilt under the sole management and control of the council.

“(2) For that purpose the council shall have all the powers which the justices of a county have with respect to a county bridge, but the notices required in the case of a county bridge shall not be required in the case of a borough bridge.

“(3) All expenses incurred for the purposes of this section shall be paid out of the borough fund or borough rate, or out of money borrowed on the security thereof.

“(4) The council, with the consent of the *Treasury* (a), may from time to time borrow on that security such sums as they deem requisite for any of those purposes, and may mortgage the borough fund and borough rate for the purpose of securing the repayment, with interest, of any money so borrowed.”

LOCAL GOVERNMENT ACT, 1888.—Section 3 (viii).—This provision transferred to the county council the administrative

(a) Now the *Local Government Board*. See s. 72 of the Local Government Act, 1888.

business of quarter sessions in respect of “bridges and roads repairable with bridges, and any powers vested by the Highways and Locomotives (Amendment) Act, 1878, in the county authority.”

Section 6 enacts that:

“The county council shall have power to purchase, or take over on terms to be agreed on, existing bridges not being at present county bridges, and to erect new bridges, and to maintain, repair, and improve any bridges so purchased, taken over, or erected.”

Section 11.—This enactment provided (*inter alia*) that the maintenance and repair of every bridge (if repairable by the highway authority) on every road in the county, being a main road within the meaning of the Highways and Locomotives (Amendment) Act, 1878, should, after the appointed day, vest in the county council.

Section 34 (2) enacted as follows:

“On the appointed day there shall be transferred to the mayor, aldermen, and burgesses of each county borough all such bridges and approaches thereto, or parts thereof, situate within the borough as were previously repairable by the county or any hundred therein, and the costs of the council in repairing such bridges and approaches, or parts thereof, and in repairing any roads in the borough which by virtue of this Act or any Act applied by this Act are main roads, shall be payable out of the borough fund.”

HIGHWAYS AND BRIDGES ACT, 1891.—Section 3 provides that:

“The council of any administrative county, and any highway authority or authorities, and the council of any adjoining county, may from time to time make and carry into effect agreements with each other for or in relation to the construction, reconstruction, alteration or improvement, or the freeing from tolls, of any main road or other highway, or of any bridge (including the approaches thereto), wholly or partly situate within the jurisdiction of any one or more of the party or parties to the agreement.

“ All expenses incurred by any such county council or highway authority, in pursuance of this section, shall be defrayed as part of the expenses incurred in relation to the maintenance, repair, improvement, or enlargement of bridges, main roads, or other highways by such council or highway authority, in such proportions as shall be determined by any such agreement as aforesaid, and any powers of borrowing, applicable to the raising of any fund for the payment of any such expenses as aforesaid, shall be applicable accordingly :

“ Provided that if a highway board think it just that any parish or parishes specially benefited by any construction, reconstruction, alteration, or improvement under this section should bear the expense thereof, or any part of such expense, they may, with the approval of the county council of the county within which their highway district is situate, and with the assent of the inhabitants of such parish or parishes in vestry assembled, charge such expense, or such part thereof as they may think just, exclusively on such parish or parishes.”

LOCAL GOVERNMENT ACT, 1894.—Section 25 (1). This subsection provided (*inter alia*) as follows :

“ As from the appointed day, there shall be transferred to the district council of every rural district all the powers, duties, and liabilities of the rural sanitary authority in the district, and of any highway authority in the district, and highway boards shall cease to exist, and rural district councils shall be the successors of the rural sanitary authority and highway authority, and shall also have as respects highways all the powers, duties, and liabilities of an urban sanitary authority under sections one hundred and forty-four to one hundred and forty-eight of the Public Health Act, 1875, and those sections shall apply in the case of a rural district and of the council thereof in like manner as in the case of an urban district and an urban authority.”

The extent of the powers of a rural district council in regard to bridges would accordingly seem to largely depend on whether the council succeeded a highway board or surveyors of highways.

The powers of metropolitan borough councils with respect

to bridges are derived from the Metropolis Management Acts, and are not subject to the jurisdiction of the Local Government Board.

Borrowing powers.—Local authorities (outside the administrative county of London) are empowered to borrow money in respect of bridges under the following enactments :

Local Authority.	Enactments.
COUNTY COUNCIL	Local Government Act, 1888, s. 69 (1).
TOWN COUNCIL (as a Municipal Authority).	Municipal Corporations Act, 1882, s. 119 (4),* as amended by Local Government Act, 1888, s. 72.
TOWN COUNCIL (as a Sanitary Authority) and URBAN DISTRICT COUNCIL.	Public Health Act, 1875, ss. 233, 234.
RURAL DISTRICT COUNCIL	Public Health Act, 1875, ss. 233, 234, as applied by s. 25 (1) of the Local Government Act, 1894.

* It would appear from the tables contained in the Annual Reports of the Local Government Board that the instances in which loans have been approved by the Board under this enactment are rare.

The borrowing of money under these enactments is subject to the consent, approval, or sanction of the Local Government Board.

Periods for repayment of loans.—The periods usually allowed by the Local Government Board for the repayment of loans sanctioned by them in respect of bridges are as follows :

Substantial or stone bridges	30 years.
Bridges of lighter construction	15—20 „

Application to Local Government Board to authorise loan.—An application by a local authority (other than a town council proceeding under the Municipal Corporations Act, 1882) for the consent or sanction of the Local Government Board to the borrowing of money for purposes of bridges should be made by resolution (a), of which a copy should be forwarded to the Board together with the following information, so far as it is applicable :

(a) See also "RESOLUTIONS," p. 8.

- (1) Plans, sections, and elevations of the bridge (a).

NOTE.—The plans and sections should be fully dimensioned and all details shown, and the sections should include cross and longitudinal sections of the superstructure and abutments on a sufficiently large scale. Where the bridge will be over a stream, bed level and normal and flood levels should be shown. If any land is to be acquired for the purpose of the scheme, such land should be distinguished by colour on the plans, and, in the case of an improvement of a bridge, the plans should show the existing and proposed works by distinctive colours.

- (2) A detailed estimate of the cost of the scheme (b);
- (3) Detailed calculations signed by the engineer as to the strength of the bridge;

NOTE.—These should (*inter alia*) give the dead and live loads which the bridge is designed to carry, and should serve to prove that the bridge is fully capable of bearing the greatest strain to which it is likely to be subjected, including any traction engine or other heavy traffic which may pass over it.

- (4) Particulars as to rateable or assessable value and existing debt in the appropriate official form, viz.:

Form K, No. 15, in the case of a county council (c).

Form K, No. 2, in the case of any other council (c).

- (5) Information as to whether a provisional agreement has been entered into for the acquisition of any land which may be required in connection with the scheme;
- (6) In the case of the proposed purchase of a bridge, it should be stated (a) when the bridge was erected, (b) in whom it vests, and (c) what arrangements have been entered into as regards the purchase; and a

(a) See also "PLANS," p. 6.

(b) See also "ESTIMATES," p. 4.

(c) See also "FORMS," p. 5.

copy of any local Act relating to the bridge with a reference to the sections bearing on the matter should be supplied together with a report by the engineer as to the condition, etc., of the structure ;

- (7) In the case of a proposed new bridge, it should be stated (a) whether the bridge will replace an existing bridge, and, if so, (b) whether it will be erected on the same site, (c) when and under what statutory authority the bridge to be superseded was provided by or became vested in the council, and (d) whether there is any debt outstanding in respect of the existing bridge. In the latter event, the particulars indicated on p. 160 under the head of "SUPERSEDED WORKS " should also be furnished ;
- (8) Information as to whether the approaches to the bridge are highways repairable by the inhabitants at large ; and, if such highways form part of a main road within the meaning of the Highways and Locomotives (Amendment) Act, 1878, as to the arrangements with the county council in regard thereto ;
- (9) Where works are to be carried out in pursuance of an agreement under the Highways and Bridges Act, 1891, this should be stated and a copy of the agreement forwarded ;
- (10) If it is proposed to make a contribution towards the cost of the scheme under s. 147 of the Public Health Act, 1875, it should be stated whether the resolution of the council agreeing to make the contribution was passed by two-thirds of their number, as required by that enactment ; and
- (11) Where the proposed works involve the diversion or stopping-up of a public highway, it should be stated whether the necessary proceedings for an order of the justices have been taken under ss. 84 *et seq.* of the Highway Act, 1835.

An application by a town council for the Local Government Board's approval of the borrowing of money under the Municipal

Corporations Act, 1882, for the reconstruction or improvement, etc., of a bridge should be made by memorial (on paper of foolscap size) under the seal of the corporation. The memorial should (*inter alia*) state how the bridge became vested in the corporation, and should, in addition to such of the particulars enumerated in the preceding paragraphs as are applicable, be accompanied by:

- (1) A copy of the notice given in pursuance of s. 236 of the Act, endorsed with a certificate to the effect that the notice has been affixed to the town hall for one month prior to the date of the application and that a copy of the intended application has been open to public inspection during that period; and
- (2) Particulars (in Form K, No. 55) as to the rateable value and existing debt of the borough (a).

(a) See also "FORMS," p. 5.

PART XII.—BURIAL GROUNDS.*

Statutory provisions.—The principal public general statutes which relate to the provision, etc., by local authorities, of burial grounds or cemeteries in England and Wales, are :

BURIAL ACT, 1852 (15 & 16 Vict. c. 85).

„ „ 1853 (16 & 17 Vict. c. 134).

„ „ 1854 (17 & 18 Vict. c. 87).

„ „ 1855 (18 & 19 Vict. c. 128).

„ „ 1857 (20 & 21 Vict. c. 81).

„ „ 1859 (22 Vict. c. 1).

„ „ 1860 (23 & 24 Vict. c. 64).

„ „ 1862 (25 & 26 Vict. c. 100).

„ „ 1871 (34 & 35 Vict. c. 33).

BURIAL LAWS AMENDMENT ACT, 1880 (43 & 44 Vict. c. 41).

BURIAL AND REGISTRATION ACTS (DOUBTS REMOVAL) ACT,
1881 (44 & 45 Vict. c. 2).

BURIAL BOARDS (CONTESTED ELECTION) ACT, 1885 (48 &
49 Vict. c. 21).

NOTE.—The above Acts are cited collectively as the
Burial Acts, 1852 to 1885.

PUBLIC HEALTH (INTERMENTS) ACT, 1879 (42 & 43 Vict.
c. 31), which incorporates the Cemeteries Clauses Act,
1847 (10 & 11 Vict. c. 65).

LOCAL GOVERNMENT ACT, 1894 (56 & 57 Vict. c. 73).

LOCAL GOVERNMENT (JOINT COMMITTEES) ACT, 1897 (60 &
61 Vict. c. 40).

BURIAL ACT, 1900 (63 & 64 Vict. c. 15).

CREMATION ACT, 1902 (2 Edw. 7, c. 8).

BURIAL ACT, 1906 (6 Edw. 7, c. 44).

LOCAL AUTHORITIES (TREASURY POWERS) ACT, 1906 (6 Edw
7, c. 33).

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. ii. pp. 67—165. "Encyclopædia of Forms and Precedents," vol. iii. pp. 96—156 *et seq.* Austin's "Burial Grounds and Cemeteries." Little's "Law of Burial" and "Burial Act, 1900."

Relative jurisdiction of Secretary of State and Local Government Board under the Burial Acts.—By s. 4 and Sched. I. of the Burial Act, 1900, the powers, duties, and functions previously exercised by the Secretary of State for the Home Department under the Burial Acts in relation to the following (among other) matters were transferred to the Local Government Board, and communications on these subjects should accordingly be addressed to that Board and not to the Secretary of State :

- (a) The closing of burial grounds and the prohibition of the opening of new ones.
- (b) The approval of new burial grounds, and of additions to existing grounds in parishes or places to which any prohibitory Order in Council applies, and also under s. 9 of the Burial Act, 1852.
- (c) The adoption of the Burial Acts and the constitution, powers and areas of burial authorities.
- (d) The inspection and regulation of burial grounds provided under the Burial Acts.
- (e) Fees, *other than ecclesiastical fees*, to be taken by burial authorities.
- (f) The purchase, sale, and letting of land for burial purposes.
- (g) The grant of licences for interment in closed burial grounds.

Communications in reference to the following matters should, however, be addressed to the Secretary of State :

- (a) The consecration of burial grounds.
- (b) The allotment of parts thereof for the use of particular denominations.
- (c) The building of chapels.

- (d) The removal of human remains.
- (e) The fixing, varying, or commutation of, or compensation for, fees payable to ministers of religion, ecclesiastical officers, and sextons.

Appointment of burial boards and adoption of Burial Acts.—I. IN URBAN DISTRICTS.—The town council of any borough in which an Order in Council is in force closing all or any burial grounds may petition under s. 1 of the Burial Act, 1854, for an Order in Council constituting them the burial board for the borough.

In urban districts (other than boroughs) for which no burial board has been appointed and in which an Order in Council is in force closing all or any of the burial grounds therein, the district council may petition for an Order in Council constituting them the burial board for their district under s. 4 of the Burial Act, 1857.

Under s. 62 (1) of the Local Government Act, 1894, where there is in any urban district or part of an urban district any authority constituted under any of the adoptive Acts (which include the Burial Acts), the council of that district may resolve that the powers, duties, property, debts, and liabilities of that authority shall be transferred to the council as from a date to be specified in the resolution.

As to burial boards acting at the appointed day under the Local Government Act, 1894, for an area partly comprised in an urban parish and partly in a rural parish, see s. 53 of that Act, *post*, p. 178.

The vestry or meeting in the nature of a vestry of any urban parish, township, or other district *not separately maintaining its own poor* may appoint a burial board (a) under s. 12 of the Burial Act, 1855, where such parish, etc., had before the passing of that Act a separate burial ground and (b) under s. 5 of the Burial Act, 1857, where such parish, etc., has had no separate burial ground.

A meeting of the vestry of any urban parish in which no burial board has been appointed may also be convened in

pursuance of s. 3 of the Burial Act, 1855, at any time at the discretion of the churchwardens or other persons to whom it belongs to convene such meetings, to determine whether a burial ground shall be provided under the Burial Acts for such parish.

It is the duty of such persons to convene a meeting for that purpose—

- (a) On the receipt of a requisition in writing of ten or more ratepayers of any parish in which the place or places of burial shall appear to such ratepayers insufficient or dangerous to health (whether any Order in Council in relation to any burial ground in such parish has or has not been made) [see s. 10 of the Burial Act, 1852, as applied to parishes outside the metropolis by s. 7 of the Burial Act, 1853]; or
- (b) Where notice has been given of the intention of the Local Government Board to make a representation to his Majesty in Council that burials should be discontinued (wholly or subject to any exception or qualification) in any burial ground in the parish (see s. 3 of the Burial Act, 1855, as amended by s. 4 and the First Schedule of the Burial Act, 1900).

By virtue of s. 10 of the Burial Act, 1852, and s. 7 of the Burial Act, 1853, public notice of any such vestry meeting, and the place and hour of holding the same, and the special purpose thereof, must be given in the usual manner in which notices of the meetings of the vestry are given, at least seven days before holding such vestry meeting.

If the vestry resolve that a burial ground shall be provided under the Burial Acts for the parish or district (which should be specified), a copy of such resolution, extracted from the minutes of the vestry and signed by the chairman, must be sent to the Local Government Board in pursuance of the provisions of s. 10 of the Burial Act, 1852, as amended by s. 4 and the First Schedule of the Burial Act, 1900; and evidence should at the same time be furnished of the approval of the resolution by the town council or urban district council, whose

approval is required by s. 62 (2) of the Local Government Act, 1894.

The only cases in which the approval of the Local Government Board is required to the appointment of burial boards under the Burial Acts in urban districts are the following :

- (1) Where a parish or place has been united with any other parish or place, parishes or places, for all or any ecclesiastical purposes, *or* where two or more parishes or places have heretofore had a church or a burial ground for their joint use, *or* where the inhabitants of several parishes or places have been accustomed to meet in one vestry for purposes common to such several parishes or places,

if any of the several parishes or places separately maintains its own poor or has a separate burial ground (18 & 19 Vict. c. 128, s. 11, as amended by 20 & 21 Vict. c. 81, s. 9, and 63 & 64 Vict. c. 15, s. 4, and Sched. I.).

- (2) Where any parish or place has been divided into two or more parts or districts for all or any ecclesiastical purposes, and any one of such parts has a separate burial ground (23 & 24 Vict. c. 64, s. 4, as amended by 63 & 64 Vict. c. 15, s. 4, and Sched. I.).

In such cases, a copy of the resolution of the vestry or meeting in the nature of a vestry (which should be signed by the chairman of the meeting) declaring the expediency of the appointment of a burial board under the Burial Acts for the parish or place should be submitted to the Local Government Board for their approval (34 & 35 Vict. c. 33, s. 1, as amended by 63 & 64 Vict. c. 15, s. 4, and Sched. I.).

It would seem desirable that, if the case is one to which s. 9 of the Burial Act, 1857 (20 & 21 Vict. c. 81), applies, the resolution should state that the parish or place (which should be specified) separately maintains its own poor or has a separate burial ground; and that, if s. 4 of the Burial Act, 1860 (23 & 24 Vict. c. 64), applies, the resolution should state that the parish or place has been divided for ecclesiastical

purposes into two or more parts or districts (which should be specified), of which (specify the part) has a separate burial ground. The numbers voting for and against the resolution should be stated.

II. IN RURAL DISTRICTS.—By virtue of s. 7 (1) of the Local Government Act, 1894, the parish meeting have, *exclusively*, the power of adopting the Burial Acts in every rural parish, and, in pursuance of s. 3 of the Burial Act, 1855, as amended by s. 4 and the First Schedule of the Burial Act, 1900, a parish meeting for this purpose *must* be convened where notice is given of the intention of the Local Government Board to make a representation to his Majesty in Council that burials should be discontinued (wholly or subject to any exception or qualification) in any burial ground in the parish. A parish meeting may be convened by the chairman of the parish council, or any two parish councillors, or the chairman of the parish meeting, or any six parochial electors (Local Government Act, 1894, s. 45 (3)). The duty of convening the parish meeting under s. 3 of the Act of 1855 is now probably imposed upon the chairman of the parish council or, where the parish has not a parish council, upon the chairman of the parish meeting.

Where any place for which a burial board might have been constituted, forms part only of a rural parish (*a*), the Burial Acts may be adopted for such part by a parish meeting held for that part (Local Government Act, 1894, s. 7 (4)). The mode of holding, and the regulating of the proceedings at, a parish meeting for part of a parish are prescribed by s. 49 of the last-mentioned Act.

Not less than fourteen days before a parish meeting is held for the purpose in question, public notice thereof specifying the time and place of the intended meeting and the business to be transacted at the meeting, and signed by the chairman of the parish council or other conveners of the meeting, must be given in the manner required for giving notice of vestry meetings, and by posting the notice in some conspicuous place

(*a*) As to the cases in which the Burial Acts may be adopted for a part of a civil parish, see s. 12 of the Burial Act, 1855, and s. 5 of the Burial Act, 1857.

or places within the parish, and in such other manner (if any) as appears to the council or to the persons convening the meeting desirable for giving publicity to the notice (Local Government Act, 1894, s. 51, and Rules (2) and (3) of Part One of the First Schedule).

By virtue of s. 7 (8) of the Local Government Act, 1894, the passing of a resolution by the parish meeting to provide a burial ground under the Burial Acts, 1852 to 1885, is an adoption of the Acts. A bare majority only of those present and voting on the question is needed to carry the resolution, and the chairman's decision as to the result will be final unless a poll is demanded. A poll may be demanded at any time before the conclusion of the parish meeting by any one parochial elector (Rules (5), (6), and (7) of Part One of First Schedule to the Local Government Act, 1894). Any such poll must be conducted in accordance with the Rules prescribed by the General Order of the Local Government Board, dated February 5th, 1895 (*if the parish has a parish council*), or with those prescribed by the General Order of that Board, dated November 15th, 1894 (*if the parish has not a parish council*). Both of these Orders are printed as Statutory Rules.

In the event of the adoption of the Burial Acts, the following particulars should be forwarded to the Local Government Board in proof of the regularity of the proceedings, although their approval of the adoption of those Acts is not necessary, except in the circumstances hereafter mentioned.

(1) A copy of the notice convening the parish meeting, endorsed with a certificate to the effect that the notice has been published in accordance with the requirements of s. 51 of the Local Government Act, 1894, and that it was published not less than fourteen days before the date of the parish meeting.

(2) A copy of the resolution passed by the parish meeting, signed by the chairman of the meeting (see s. 10 of the Burial Act, 1852, as applied by s. 7 of the Burial Act, 1853, and amended by s. 4 and the First Schedule of the Burial Act, 1900).

(3) A statement as to (a) the number of parochial electors who voted for the resolution, and (b) the number who voted against it.

And if a poll was demanded,

(4) Information as to—

- (a) whether the requirements of the General Order of the Local Government Board dated February 5th, 1895, or of that dated November 15th, 1894 (whichever is applicable), as to polls were complied with, and
- (b) what number of votes were given for and against the adoption respectively.

It should also be stated, *in cases in which the parish has not a parish council*, whether the parish has been divided into two or more parts for all or any ecclesiastical purposes, and, if so, whether any one of such parts has a separate burial ground. In such a case, the approval of the resolution by the Local Government Board will be required in pursuance of s. 4 of the Burial Act, 1860, as amended by s. 4 and the First Schedule of the Burial Act, 1900. For further information on this point, see *ante*, pp. 174—178.

When the Burial Acts have been adopted for the whole or part of a rural parish, which has a parish council, the parish council become the authority for the execution of the Acts (Local Government Act, 1894, s. 7 (7)). And if the parish has not a parish council, the parish meeting may appoint a burial board under those Acts (Local Government Act, 1894, s. 19 (4)), or they may apply to the county council to confer on them the powers of a parish council in relation to the Burial Acts (Local Government Act, 1894, s. 19 (10)).

As regards the authority for the execution of the Burial Acts in rural parishes where there was a burial authority in existence on the appointed day referred to in the Local Government Act, 1894, attention may be drawn to ss. 7 (5) and 53 of that Act. Section 7 (5) provides that, where the area under any existing authority acting within a rural parish in the execution of any of the adoptive Acts (which include the Burial Acts) is co-extensive with the parish, all powers, duties, and liabilities of that authority shall, on the parish council coming into office, be transferred to that council.

Sub-section (1) of s. 53 provided for the transfer to the parish council of the powers, etc., of any existing authority under any of the adoptive Acts when on the appointed day the Act is in force in part only of a rural parish. Sub-section (2) provided that, if the area under any authority under any of the adoptive Acts was not comprised within one rural parish, the powers, etc., of the authority were to be transferred to the parish councils or parish meetings of the rural parishes, or if the area was partly comprised in an urban district to the parish councils, parish meeting, and urban district council, to be exercised by a joint committee appointed by the councils. Sub-section (3) made provision as to the property, debts, and liabilities of the superseded authority; and sub-s. (4) enabled the county council to alter the boundaries of any such area.

DISCONTINUANCE OF BURIALS.

I. Powers of Local Government Board.—Under s. 1 of the Burial Act, 1853, as amended by s. 4 of the Burial Act, 1900, the Local Government Board are empowered (as regards places outside the metropolis) to make representations to his Majesty in Council that, *for the protection of the public health*, burials in any city or town, or within any other limits, or in any burial grounds or places of burial should be discontinued either wholly or subject to any exception or qualification.

The enactment, however, provides that no such representation shall be made by the Local Government Board in relation to the burial ground of any parish until ten days' previous notice of the intention to make the representation has been given by them to the incumbent and the vestry clerk or churchwardens of the parish. And it is further provided that notice of such representation, and of the time when it shall please his Majesty to order the same to be taken into consideration by the Privy Council, shall be published in the *London Gazette*, and shall be affixed on the doors of the churches or chapels of, or on some other conspicuous places

within, the parishes affected by such representation, one month before such representation is so considered.

Power is also vested in the Local Government Board under s. 2 of the Burial Act, 1852, as amended by s. 4 of the Burial Act, 1900, to make similar representations to his Majesty in Council with respect to the discontinuance of burials in any part or parts of the metropolis, or in any burial grounds or places of burial in the metropolis, as defined in s. 53 and Sched. A of the first-mentioned Act.

II. Applications to Local Government Board.—No form for making applications to the Local Government Board to make representations under these enactments is issued by that Board, but it would seem convenient that the application, if it relates to a church or churchyard, should be signed by the vicar and churchwardens, or, if it concerns a nonconformist burial ground, by the minister and trustees. The grounds on which the application is made, and the name of the church, etc., to which it relates should be stated, and the information indicated in Form K, No. 122 (a), supplied. A statement should also be furnished as to the number of graves (walled or earthen) in which there is room for further interments, and as to whether the owners thereof wish to have their rights of interment in such graves preserved in the event of an Order in Council being made for the discontinuance of burials.

An application by a local authority should be made by resolution, of which a copy should be forwarded to the Local Government Board, together with a report by the Medical Officer of Health as to the desirability of closing the burial ground for the protection of the public health.

III. Exceptions made in Orders in Council.—The following exceptions include those most frequently made in Orders in Council for the discontinuance of burials :

- (a) In any vault or walled grave now existing, burial may be allowed subject to the condition that every coffin buried

(a) Copies of this form are supplied by the Local Government Board on request.

in such vault or grave be separately enclosed by stonework or brickwork properly cemented.

- (b) In any earthen grave now existing, the burial may be allowed, at or below the depth of five feet from the surface of the ground, of the body of any member of the family of the person or persons heretofore buried in such grave.
- (c) In any grave space in which no interment has heretofore taken place, the burial may be allowed, at or below the depth of five feet from the surface of the ground, of the body of any person for whom or of any member of a family for which such grave space has been reserved and appropriated as a burial place, with the exclusive right of burial therein.

IV. Prohibition of opening of new burial grounds.—Orders in Council under s. 1 of the Burial Act, 1853, also usually provide, in pursuance of the powers conferred in this respect by that enactment, that the opening of any new burial ground in the civil parish, save with the previous approval of the Local Government Board, shall be prohibited.

V. Postponement of Order in Council.—Under s. 1 of the Burial Act, 1855, the time appointed by any Order in Council for the discontinuance of burials may be postponed. An application to the Local Government Board to make a representation to his Majesty in Council for a postponing order should mention the date of the Order in Council, and should state what postponement is desired and the grounds on which the application is made.

VI. Convening of meeting consequent upon Order in Council.—In the event of an Order in Council being made for the discontinuance of burials, it will be necessary, in accordance with the provisions of s. 3 of the Burial Act, 1855 (as amended by s. 4 of the Burial Act, 1900), that a vestry meeting in the case of an urban parish, or a parish meeting in the case of a rural parish, should be convened *forthwith* for the purpose of determining whether a burial ground shall be

provided for the parish. The convening of a meeting for the purpose in question is a statutory requirement which must be satisfied in the circumstances mentioned, but it is, of course, competent to the meeting to decide not to provide a burial ground.

VII. Requests for copies of Orders in Council.—Requests for copies of Orders in Council should be made to :

THE CLERK OF THE COUNCIL,
Privy Council Office,
Whitehall, London, S.W.

and not to the Local Government Board. These Orders in Council are, however, published in the *London Gazette*.

VIII. Application for permission to inter in closed burial grounds.—If the proposed interment comes within any exception to the Order in Council, no authorisation on the part of the Local Government Board is required to enable the interment to be carried out, but it is essential that any conditions specified in the Order in Council in relation thereto should be fulfilled.

Where, however, the interment is not covered by any such exceptions, it can only be authorised in one of the following ways :

- (a) By a *licence* of the Local Government Board under s. 4 of the Burial Act, 1853 (as regards places outside the metropolis), or under s. 6 of the Burial Act, 1852 (as regards places within the metropolis, as defined in s. 53 of that Act) ; or
- (b) By an Order in Council made upon the representation of the Local Government Board to his Majesty in Council *varying* the Order in Council at present in force so as to permit the proposed interment.

The powers, etc., of the Secretary of State under s. 6 of the Burial Act, 1852, and s. 4 of the Burial Act, 1853, with respect to the granting of such licences have become vested in the Local Government Board in pursuance of s. 4 of the Burial Act, 1900.

In applying to the Local Government Board for a licence, the full Christian name and surname of the person for whose interment the licence is desired and the name of the churchyard or burial ground should be mentioned; and it should be stated whether the interment is to be in a vault or walled grave or earthen grave; whether there is room for the proposed interment; whether the person possessed a right of interment in such vault or grave; and whether the right of interment was acquired before August 20th, 1853 (if the burial ground is outside the metropolis), or before July 1st, 1852 (if within the metropolis as defined by s. 53 of the Burial Act, 1852). The position of the grave, that is, whether it is in or under the church or chapel or in the churchyard or burial ground, should also be stated.

The granting of licences by the Local Government Board is usually made subject to the following conditions :

1. That the place of burial be opened without disturbing soil in which an interment has already taken place ;
2. That the coffin be embedded in a layer of powdered charcoal four inches at least in thickness, and separately entombed in brick or stonework cemented in an air-tight manner ; and
3. That after the said interment has been effected, a statement, signed by the incumbent or minister be forwarded to the Board certifying that the interment has been carried out in accordance with the foregoing conditions.

In connection with an application to the Local Government Board to make a representation to his Majesty for the variation of an Order in Council so as to permit of the proposed interment, precise information as to the proposal and as to the position of the grave should be furnished, and the special grounds which, it is considered, justify the making of a varying order should be stated. The Local Government Board do not comply with such applications in ordinary circumstances.

PROVISION OF BURIAL GROUND.

I. Approval of Local Government Board required in certain cases.—The approval of the Local Government Board is required under s. 9 of the Burial Act, 1852, as amended by s. 4 of the Burial Act, 1900, to the provision and use of any new burial ground or cemetery (parochial or non-parochial) in the metropolis (as defined in s. 53 of the first-mentioned Act) or within two miles of any part thereof.

With respect to places outside such limits, the approval of the Board to the provision of new burial grounds (including the extension of existing burial grounds or churchyards) is only required where there is an Order in Council in force prohibiting the opening of any new burial ground in the parish or place concerned without the previous approval of the Secretary of State or the Local Government Board. In such a case, the approval of the Local Government Board is necessary under the terms of the Order in Council and of s. 6 of the Burial Act, 1853, as amended by s. 4 of the Burial Act, 1900. The last-mentioned section transferred the jurisdiction of the Secretary of State as regards (*inter alia*) the approval of the sites of new burial grounds to the Local Government Board.

In cases in which no such Order in Council is in force, application need not be made for the approval of the Local Government Board to the provision of the burial ground unless the cost is to be defrayed out of a loan requiring the consent of that Board; and the Local Government Board do not undertake the inspection of sites of burial grounds except in cases where their approval is required under statutory enactment.

II. Applications for approval of Local Government Board.—In connection with applications by burial authorities for the approval of the Local Government Board to the provision and use of new burial grounds under the Burial Acts, the information indicated in Form K, No. 115 (a) (so far as it is applicable to the circumstances of the particular case) should be furnished;

but where the burial ground is to be provided by other bodies or persons, Form K, No. 115a (a) should be filled up.

III. Borrowing.—The sanction of the Local Government Board as the central authority is now required to all loans for the purposes of the Burial Acts, the powers of the Treasury in relation thereto having been transferred to that Board by the Local Authorities (Treasury Powers) Act, 1906. The borrowing of money by parish councils is made subject to the consent of the Local Government Board by s. 12 of the Local Government Act, 1894; while the consent of that Board to the borrowing of money by the authorities appointing joint committees under s. 53 (2) of that Act is required by s. 1 of the Local Government (Joint Committees) Act, 1897.

The last-mentioned section also provides that any expenses incurred in carrying out the purposes of the Burial Acts, 1852 to 1885, shall be defrayed, any money borrowed for those purposes shall be borrowed, and any receipts arising from those purposes shall be divided, by the councils appointing the committee (including a parish meeting of a parish not having a parish council), in such proportion as they may agree upon, or, as in default of agreement, may be determined by the county council, or, if one of the councils so appointing is the council of a county borough, by the Local Government Board; and confers a power of borrowing on a parish meeting.

IV. Applications for sanction to loans.—1. **UNDER BURIAL ACTS.**—The particulars which should generally accompany an application for the consent of the Local Government Board to the borrowing of money for the provision of a burial ground under the Burial Acts are set out in Form K, No. 115, to which reference has already been made; but, where the burial authority act for a parish in an urban district, a copy of the authorisation, sanction, and approval of the vestry under ss. 19, 20, and 26 of the Burial Act, 1852 (as applied by s. 7 of the Burial Act, 1853), should be submitted, together with an ordnance map on the scale of twenty-five inches to a mile,

(a) Copies of this form are supplied by the Local Government Board on request.

distinguishing the site by colour, plans, sections (*a*), and detailed estimates of the cost of the proposed works (*b*), a certificate by the surveyor of the urban authority that the plans comply with the byelaws in force (so far as these are applicable), and full particulars as to the debt of the burial authority (*c*). If the case is one in which the Board's approval of the provision and use of the burial ground is required (as to which see p. 184), small duplicate tracings (on cloth) from the twenty-five inch ordnance map showing the site by distinctive colour and sufficient surroundings to clearly identify its position (*d*), should also be forwarded. One of these will be returned with the Board's instrument of approval.

Where the authority is a town council, acting as a burial board in pursuance of an Order in Council under s. 1 of the Burial Act, 1854, the application should be made in the manner in which applications for approval of loans under the Municipal Corporations Act, 1882, are required to be made (*e*).

2. UNDER PUBLIC HEALTH (INTERMENTS) ACT, 1879.—Where a town council, urban district council, or rural district council propose to provide a cemetery under this Act, a loan for the purpose would be raised under the provisions of the Public Health Act, 1875, with the sanction of the Local Government Board.

An application for sanction to the borrowing of money to provide a cemetery under the Act of 1879 should be accompanied by:

- (1) A copy of a resolution of the local authority directing the application to be made (*f*):
- (2) A map of the district or contributory place showing by colour the position of the site, and showing also the means of access to the ground, the adjoining properties, and the position of any sources of domestic

(*a*) See also "PLANS," pp. 6—8.

(*b*) See also "ESTIMATES," p. 4.

(*c*) Form K, No. 2, can be adapted to this purpose.

(*d*) See also "PLANS," pp. 6—8, especially para. (11).

(*e*) See p. 139.

(*f*) See also "RESOLUTIONS," p. 8.

water supply near the site, a plan showing the manner in which the ground is to be laid out, and plans and elevations of any buildings to be erected (including a block plan showing the proposed drainage arrangements) (a);

- (3) A certificate by the surveyor of the local authority, that the plans comply in all respects with the byelaws (if any) in force in the district so far as they apply;
- (4) A detailed estimate of the cost of the scheme (b);
- (5) Particulars (in Form K, No. 2) as to the assessable value and existing debt of the district or contributory place, as the case may be (c);
- (6) Information as to whether a provisional agreement has been entered into for the acquisition of the site;
- (7) Information as to whether there are any sources of domestic water supply near the site. If so, a description of such sources and a statement of the distance of each source from the site should be furnished;
- (8) A report as to the nature of the soil as ascertained by trial holes dug to a depth of eight feet in various parts of the site, including each corner and the middle. The position of these trial holes should be shown on the plan of the site. The report should include information as to whether the soil is free from water to the depth above mentioned, and, if not, at what depth water is met with and what means are available for draining the subsoil to the depth indicated and for disposing of the resulting water;
- (9) A report by the medical officer of health upon the suitability of the site. The question of the freedom from risk of contaminating sources of domestic water supply, and of nuisance from the disposal of drainage water should receive consideration in this report.

(a) See also "PLANS," p. 6.

(b) See also "ESTIMATES," p. 4.

(c) See also "FORMS," p. 5.

- (10) Information as to (a) whether there are any and, if so, how many dwellings within 100 yards of the site, and (b) whether the consents in writing of all the owners, lessees and occupiers of such dwellings have been obtained as required by s. 10 of the Cemeteries Clauses Act, 1847, as amended by s. 2 of the Burial Act, 1906; and
- (11) A reference to any Order in Council in force prohibiting the opening of a new burial ground in the parish in which the site is situate without the consent of the Secretary of State or the Local Government Board. If no such Order in Council is in force this should be stated; but if one is in force small duplicate tracings (on cloth) from the twenty-five inch ordnance map showing the site by colour and its surroundings, as suggested on p. 185, should also be supplied.

V. Periods for repayment of loans.—The *maximum* periods allowed by the Local Government Board for the repayment of loans sanctioned by them for cemetery purposes are :

LAND (purchase of freehold)	60	years	(where Act allows).
BUILDINGS	30	"	"
LAYING OUT (boundary walls, etc.)	20	"	"

Subject to the maximum term of sixty years, the period which would be allowed in any case for a loan for the purchase of land for such purpose would, no doubt, largely depend upon the period which the land would probably serve for interments.

Under the Public Health (Interments) Act, 1879, the maximum period for a loan is sixty years, whereas s. 20 of the Burial Act, 1857, requires the setting aside annually of a sum equal to or exceeding one-fiftieth part of the principal money borrowed. Section 21 of the last-named Act, however, enables monies to be raised by granting terminable annuities, but only for a period not exceeding thirty years. This shorter period for the repayment of loans form one of the disadvantages of proceeding under the Burial Acts as compared with procedure under the Public Health (Interments) Act, 1879.

It should also be remembered that procedure under the Act of 1879 dispenses with the necessity of obtaining the authorisation, consent, and approval of the vestry in urban parishes and the consent of the parish meeting in rural parishes.

Before deciding to provide a burial ground under the Burial Acts, a local authority, for whom procedure under the Act of 1879 is available, should carefully consider whether, having regard to the distinct advantages attending procedure under the latter Act, it would not be preferable to take action under that Act.

.VI. Expenses of providing cemetery under Public Health (Interments) Act, 1879, in rural district.—The Local Government Board are empowered under s. 229 of the Public Health Act, 1875, to declare the expenses incurred by a rural district council in providing or maintaining a cemetery under the Public Health (Interments) Act, 1879, to be chargeable as special expenses on the contributory place or places concerned. If it is desired that the expenses in such a case should be so charged, an application to the Local Government Board to make the necessary order should be included in the resolution applying for sanction to the proposed loan. Should the Board decide to sanction the loan, their order declaring the expenses to be special expenses would be embodied in the formal sanction to the loan.

VII. Consents of owners, lessees, and occupiers.—In the case of burial grounds under the Burial Acts, s. 9 of the Burial Act, 1855, provided that no ground not already used as or appropriated for a cemetery shall be used for burials within 100 yards from any dwelling-house without the consent in writing of the owner, lessee, and occupier of such dwelling-house, but s. 1 of the Burial Act, 1906, provides that such consent shall not be and shall be deemed never to have been required in any case where the dwelling-house is or was begun to be erected, or is or was erected or completed after any part of that ground has or had been so used or appropriated.

Section 10 of the Cemeteries Clauses Act, 1847, as incorporated with the Public Health (Interments) Act, 1879, was also amended by s. 2 of the Burial Act, 1906, and now requires that

no part of the cemetery shall be constructed nearer to any dwelling-house than 100 yards, except with the consent in writing of the owner, lessee, and occupier of such house.

The Local Government Board are not empowered to dispense with these statutory requirements.

VIII. Fences.—No regulations have been prescribed by the Local Government Board in regard to the height and character of fences round burial grounds or cemeteries requiring their approval, but it would appear to be their practice to require that the fences should be of sufficiently close construction to effectually protect the ground from the intrusion of dogs and other animals.

Section 15 of the Cemeteries Clauses Act, 1847, which provided that every part of the cemetery shall be enclosed by walls or other sufficient fences of the prescribed materials and dimensions, and, if no materials or dimensions be prescribed, by substantial walls or iron railings of the height of eight feet at least, was repealed by s. 10 of the Burial Act, 1900, in so far as it applied to a burial ground provided under the Public Health (Interments) Act, 1879.

IX. Extension of churchyards.—Section 10 of the Burial Act, 1855, under which it was competent to the ratepayers assembled at any vestry duly convened under the provisions of that Act, to resolve that any new burial ground to be provided for the parish should be held and used in like manner and subject to the same laws and regulations in all respects as the existing churchyard of the parish, was repealed by s. 12 and the Second Schedule of the Burial Act, 1900. The repeal of the enactment referred to does not, however, preclude burial authorities from providing land under the Burial Acts for the purpose of extending churchyards, but any such land would have to be treated as a separate burial ground, and subject in all respects to the provisions of the Burial Acts. The provisions of the Consecration of Churchyards Act, 1867, the Church Building Acts, and Acts other than the Burial Acts in regard to the extension of churchyards, are not affected by the Burial Act, 1900.

X. Crematoria.—The CREMATION ACT, 1902, which enables a burial authority as defined in s. 2 of the Act to provide and maintain crematoria provides (s. 4) that no human remains shall be burned in any such crematorium until the plans and site thereof have been approved by the Local Government Board, and until the crematorium has been certified by the burial authority to the Secretary of State to be complete, built in accordance with such plans, and properly equipped for the purpose of the disposal of human remains by burning.

An application by a burial authority for the approval of the plans and site of a proposed crematorium should be accompanied by :

- (1) A copy of a resolution of the authority directing the application to be made ;
- (2) Plans in duplicate (on tracing cloth) of the proposed building and of the site. The former plans should include sections and elevations ; and the latter should show the entire burial ground and the surroundings thereof. The plans should be drawn to scale (a).
- (3) Information on the following points :
 - (a) Whether the site already belongs to the burial authority, and if so, when and for what purpose it was acquired. If the site is not vested in the burial authority what arrangements have been made for its acquisition ?
 - (b) Whether the consents in writing of the owner, lessee, and occupier of every dwelling-house within 200 yards of the site have been obtained.
 - (c) The distance of the site from the nearest public highway.
 - (d) Whether the building will be situated in the unconsecrated part of a burial ground ?

The information referred to in (3) (b) (c) and (d) is required to enable the Board to satisfy themselves that the provisions of s. 5 of the Act of 1902 will be complied with.

If application is made to the Local Government Board for

(a) See also "PLANS," pp. 6—8, especially the paragraph numbered (11).

sanction to a loan for the provision of the crematorium, the particulars hereinbefore mentioned as necessary in connection with applications for the sanction of the Board to the provision of burial grounds or cemeteries should, so far as they are applicable, be submitted at the same time.

Plans have been approved by the Board of crematoria to be provided by the Headingley-cum-Burley Burial Board (Leeds), and by the town councils of Bradford and Sheffield.

Regulations were made by the Secretary of State for the Home Department on March 31st, 1903, under s. 7 of the Cremation Act, 1902. Copies of such regulations may be purchased either directly or through any bookseller from Messrs. Wyman and Sons, Limited, Fetter Lane, London, E.C., price 1*d.*

MISCELLANEOUS.

I. Burial fees.—By virtue of s. 4 of the Burial Act, 1900, the powers of the Secretary of State for the Home Department in regard to the approval of fees payable to burial authorities under s. 34 of the Burial Act, 1852, in respect of interments, the right of erecting monuments, and other matters were transferred to the Local Government Board.

The Local Government Board have prepared a provisional table (a) for the use of burial authorities proposing to fix or revise the fees and charges payable to them under s. 34 of the Burial Act, 1852, and this form should be used by burial authorities for the purpose of submitting their proposals. The proposed table should be forwarded to the Board for their preliminary approval before any steps are taken by the burial authority with a view to its formal adoption.

The draft table drawn up by the Local Government Board has been strictly limited to the fees and charges payable to the burial authority under s. 34 of the Burial Act, 1852. The Board consider that any other fees and charges (not being fees

(a) Copies are supplied by the Local Government Board on request. Applicants should ask for two copies of the form in order that one copy may be retained by them.

receivable under s. 3 of the Burial Act, 1900) which may be lawfully claimed by the burial authority, but are not within the scope of s. 34, may be properly made the subject of agreement between the burial authority and the person or persons by whom they are payable; such fees and charges should not be included in the table submitted for the Board's approval. Fees receivable by the burial authority under s. 3 of the Act of 1900 are subject to the jurisdiction of the Secretary of State, and such fees should also be omitted from the table submitted to the Board.

In connection with the interment fees, the Local Government Board state that they are of opinion that the fee prescribed for the interment of the body of a stillborn child should be the same as that for the interment of the body of a child whose age at the time of death did not exceed one month. The Board are also of opinion that the fee fixed for first interments in earthen graves (other than common graves) should in general be the same as that for interments in walled graves or vaults. Any consequential adjustment in the fees which the burial authority might think necessary could, as it seems to the Board, be effected by some increase in the charges for exclusive rights of burial, for the right to construct vaults, etc.

When the draft table is forwarded to the Local Government Board, it should be accompanied by a copy of any table of fees at present in force, and it should be stated whether such table was approved by the Secretary of State or the Board, and, if so, when. Information should also be supplied as to when the burial authority was constituted, and as to when and under what statutory authority the burial ground was provided.

II. Application of unconsecrated burial ground to other purposes.—An application to the Local Government Board under s. 6 of the Burial Act, 1900, for leave to apply to other purposes any unconsecrated ground maintained by a burial authority and set apart for purposes of burial should be accompanied by:

- (1) A copy of a resolution of the burial authority authorising the application and specifying the purpose to which it is proposed to apply the land ;
- (2) A plan *in duplicate* (on tracing cloth) of the burial ground, showing by distinctive colours (a) the consecrated part, (b) the portion of unconsecrated ground which has been used for burials, and (c) the part proposed to be appropriated ; the area of each portion should be stated on the plan (a) ;
- (3) A plan (where possible) showing how the land is to be applied ;
- (4) Particulars as to (a) when, (b) out of what funds, and (c) under what statutory authority the burial ground was provided ;
- (5) Information as to (a) the number of burials which have taken place in the unconsecrated part during the last five years, and (b) the number for which the portion not to be appropriated will still be available ; and
- (6) A statement of the grounds on which the application is made.

III. Letting of surplus land by burial authority.—An application to the Local Government Board under s. 17 of the BURIAL ACT, 1855, as amended by s. 4 of the Burial Act, 1900, for their sanction to the letting of any part of a burial ground which has not been consecrated, and in which no body has been at any time interred, and which is not for the time being required for the purposes of a burial ground, should be accompanied by—

- (1) A copy of a resolution of the burial authority directing the application to be made ;
- (2) A small plan (on tracing cloth) *in duplicate* (a) of the burial ground showing by colour the land proposed to be let ;
- (3) Information as to when, under what statutory authority, and out of what funds the burial ground was provided ;

(a) See also "PLANS," pp. 6—8, especially the paragraph numbered (11).

- (4) Particulars as to the area of the land and the terms and conditions of the proposed letting;

In settling these terms it should be borne in mind that the authority are required to reserve power to resume any such land which may be required for the purposes of a burial ground, upon giving six months' notice.

- (5) A statement that the land to be let has not been consecrated, that no body has been at any time interred therein, and that it will not for the period of the proposed lease be required for the purposes of a burial ground; and
- (6) A statement of the grounds on which the application is made.

In the case of an application by a parish council, a copy of the document conveying the consent of the county council to the letting should also be furnished (see Article II. of the General Order of the Local Government Board, dated May 22nd, 1895, adapting s. 11 of the Allotments Act, 1887, for the purposes of s. 9 of the Local Government Act, 1894).

IV. Determination of difference as to constitution of joint committee.—Section 1 (2) of the Local Government (Joint Committees) Act, 1897, provides that if any difference arises as to the constitution of a joint committee appointed under s. 53 of the Local Government Act, 1894, for the purposes of the Burial Acts, 1852 to 1885, it may be determined by order of the Local Government Board.

An application to the Local Government Board to determine a difference under this enactment should set out the circumstances which have necessitated the application and the proposals of the authority, and should contain information as to—

- (1) The area for which the joint committee was appointed, and the names of the councils appointing the committee; and

- (2) The rateable value and population (according to the last census) of each of the districts or civil parishes (or parts thereof) comprised in the area for which the joint committee act.

V. Byelaws and regulations.—The power of a local authority to make byelaws with respect to the management and charges for the use of any CEMETERY which has been provided by them under the provisions of the Public Health (Interments) Act, 1879, is derived from s. 141 of the Public Health Act, 1875, as extended to such cemeteries by sub-s. (1) of s. 2 of the Act of 1879. That sub-section enacts that the provisions of the Public Health Act, 1875, as to a place for the reception of the dead before interment, in that Act called a mortuary, shall extend to a cemetery for the interment of the dead.

The Local Government Board have prepared model byelaws on this subject, and these have been placed on sale, viz. :

Series XIV.

Cemeteries. [Svo. 1907. Price 2d. (a)]

When forwarding draft byelaws with respect to cemeteries to the Local Government Board for their preliminary approval, it should be stated under what Act the cemetery in regard to which the byelaws are proposed to be made was provided. For general instructions as to the manner in which application should be made to the Board for the confirmation or allowance of byelaws, see under Part XIII., "Byelaws and Regulations."

With regard to the question of charges, the Local Government Board consider that the only charges which should be included in byelaws under s. 141 of the Public Health Act, 1875, as extended to cemeteries by the Public Health (Interments) Act, 1879, are charges for the use of the cemetery, and that such charges should only apply to interments in common graves. Charges for the use of the cemetery in respect of

(a) Copies may be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

graves where exclusive rights of burial are granted should, in their opinion, be settled by the terms of the grant.

The powers of the Secretary of State with regard to the making of regulations under s. 44 of the Burial Act, 1852 (which enactment was made applicable to burial grounds outside the metropolis by s. 7 of the Burial Act, 1853), and under s. 10 of the Burial Act, 1857, were transferred to the Local Government Board by s. 4 of the Burial Act, 1900.

No regulations have yet been made by the Board under the enactments referred to, but a Memorandum, dated November, 1905, has been issued by that Board on the sanitary requirements of burial grounds. The Memorandum (which is, however, stated to be now under revision) may be purchased from Messrs. Wyman and Sons, Limited, Fetter Lane, London, E.C. Price 2*d.*

The regulations formerly made by the Secretary of State with respect to burial grounds provided under the Burial Acts do not apply generally to burial grounds, but only to those in regard to which they were expressly put in force by an Order in Council or by the Secretary of State in giving his approval of the provision and use of land for burial purposes.

Regulations made by a local authority in pursuance of s. 38 of the Cemeteries Clauses Act, 1847, which is incorporated with the Act of 1879, do not require the confirmation of the Local Government Board.

VI. Parliamentary and other papers (*a*).—The following are some of the returns, etc., which have been issued in relation to burial authorities and burial grounds :

REPORT of Departmental Committee appointed to prepare draft regulations under the Cremation Act, 1902, with notes of evidence and appendix. [*Cd.* 1452, 1903. Price 7*d.*]

(*a*) As to how Parliamentary papers may be obtained, see under Part XLVI., "Parliamentary and other Papers,"

REPORTS from the Select Committees appointed to inquire into the subject of burial grounds provided by local authorities under the Public Health (Interments) Act, 1879, and other Acts, to inquire whether any alterations in the existing law are necessary, especially in regard to the consecration of the ground, the provision of chapels, the allocation of fees, and the appointment of chaplain, with proceedings, evidence, appendix, and index. [No. 322, 1898. *Price* 3s. 0½*d.*; and No. 312, 1897. *Price* 8½*d.*]

RETURN showing, as regards burial boards in the metropolis, and town councils and other urban district councils, acting as burial boards, who have burial grounds situated outside their own districts, the names of such authorities; the population in 1891 of their districts; the parishes in which the burial grounds outside the districts of the authorities are situated; the population in 1891 of such parishes; the area, date of acquisition, and rateable value of the burial grounds; and the number of interments in each in 1896.—Mr. STEPHENS. [No. 325. 1897. *Price* ½*d.*]

NOTE.—The return does not include cemeteries provided under the Public Health (Interments) Act, 1879.

MEMORANDUM prepared by the Local Government Board, as to the effect of the Local Government Act, 1894, as regards burial boards.—Mr. SHAW LEFEVRE. [No. 133, 1894. *Price* ½*d.*]

PART XIII.—BYELAWS AND REGULATIONS.*

APPLICATIONS TO THE LOCAL GOVERNMENT BOARD FOR THE CONFIRMATION OR ALLOWANCE OF BYELAWS AND REGULATIONS.

Statutory provisions.—The principal public general statutes under which byelaws and regulations made by local authorities are required to be confirmed or allowed by the Local Government Board are the—

BATHS AND WASHHOUSES ACTS, 1846 and 1878.

COMMONS ACT, 1899.

FACTORY AND WORKSHOP ACT, 1901, s. 15.

HIGHWAYS AND LOCOMOTIVES (AMENDMENT) ACT, 1878.

HOUSING OF THE WORKING CLASSES ACTS, 1885 and 1890.

LOCAL GOVERNMENT ACT, 1894.

LOCOMOTIVES ACT, 1898.

OPEN SPACES ACT, 1906 (as regards certain authorities).

PUBLIC HEALTH ACT, 1875, and the following Acts incorporated therewith :

Markets and Fairs Clauses Act, 1847.

Towns Improvement Clauses Act, 1847.

Town Police Clauses Act, 1847.

Town Police Clauses Act, 1889.

PUBLIC HEALTH (INTERMENTS) ACT, 1879.

PUBLIC HEALTH (FRUIT PICKERS' LODGINGS) ACT, 1882.

PUBLIC HEALTH ACTS AMENDMENT ACT, 1890.

PUBLIC HEALTH ACTS AMENDMENT ACT, 1907 (except Part VII.).

PUBLIC HEALTH (LONDON) ACT, 1891.

PUBLIC IMPROVEMENT ACT, 1860.

PUBLIC LIBRARIES ACTS, 1892 to 1901.

TRAMWAYS ACT, 1870.

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. ii. pp. 167—198. "Encyclopædia of Forms and Precedents," vol. ii. p. 156. Mackenzie and Handford's "Model Bye-Laws."

In addition to these statutes, there are many local Acts which provide that the byelaws and regulations made thereunder shall be confirmed or approved by the Local Government Board.

Byelaws and regulations made under the public general statutes above referred to are, in most cases, subject to the provisions of ss. 182 to 186 of the Public Health Act, 1875. Section 182 is as follows :

“ All byelaws made by a local authority under and for the
 “ purposes of this Act shall be under their common seal ; and
 “ any such byelaw may be altered or repealed by a subsequent
 “ byelaw made pursuant to the provisions of this Act : Provided
 “ that no byelaw made under this Act by a local authority
 “ shall be of any effect if repugnant to the laws of England or
 “ to the provisions of this Act.

Section 183 enables a local authority by the byelaws to impose penalties not exceeding £5 for each offence, and a daily penalty not exceeding forty shillings for continuing offences.

Section 184 provides that : “ Byelaws made by a local
 “ authority under this Act shall not take effect unless and
 “ until they have been submitted to and confirmed by the
 “ Local Government Board, which Board is hereby empowered
 “ to allow or disallow the same as it may think proper ; nor
 “ shall any such byelaws be confirmed—

“ Unless notice of intention to apply for confirmation of the
 “ same has been given in one or more of the local
 “ newspapers circulated within the district to which
 “ such byelaws relate, one month at least before the
 “ making of such application ; and

“ Unless for one month at least before any such application
 “ a copy of the proposed byelaws has been kept at the
 “ office of the local authority, and has been open during
 “ office hours thereat to the inspection of the rate-
 “ payers of the district to which such byelaws relate,
 “ without fee or reward.

“ The clerk of the local authority shall, on the application of
 “ any such ratepayer, furnish him with a copy of such proposed

“byelaws or any part thereof, on payment of sixpence for
 “every hundred words contained in such copy.

“A byelaw required to be confirmed by the Local Govern-
 “ment Board shall not require confirmation allowance or
 “approval by any other authority.

Sections 185 and 186 make provision with respect to the printing, inspection, delivery of copies, and evidence of byelaws.

General instructions.—It is very desirable, in all cases in which byelaws or regulations are subject to confirmation or allowance by the Local Government Board, that the proposed byelaws or regulations should be submitted to the Board in draft for their preliminary approval before any steps are taken with a view to the formal adoption of such byelaws or regulations or to compliance with the preliminary statutory requirements. Otherwise, a fresh compliance with those requirements may be necessary before the Local Government Board can confirm the byelaws or regulations, in the event of alterations or additions being made thereto.

Application should, therefore, in the first instance, be made to the Local Government Board for copies of their model forms of byelaws or regulations on the subject in regard to which it is intended to make byelaws or regulations. The proposed byelaws, etc., should be submitted to the Board in draft on the model forms, any clauses in addition to or in substitution for those of the model series being inserted in the draft on separate sheets of paper with half margin, whilst minor alterations may be shown in the margin of the forms. The draft byelaws should be submitted *in duplicate*.

When forwarding the draft byelaws or regulations, it should be stated whether there are any byelaws or regulations on the subject already in force in the locality. If so, information as to the date when these were confirmed or allowed by the Local Government Board should be given. In every case in which a rural district council propose to make byelaws in pursuance of urban powers which have been conferred upon them by an Order of that Board, a reference should be given to the date of the Order putting the particular provision under which the

byelaws are to be made in force and it should at the same time be stated whether any alterations in the boundaries of the contributory place or places concerned have been made since the Order was issued. In the latter event, information should be supplied as to the date and authority when and under which the alterations were effected.

The byelaws or regulations should not be printed until the final revision of the draft has been completed and the local authority have been informed of the decision of the Local Government Board with regard to the allowance or disallowance of the several clauses. In announcing their decision, it is the practice of the Board to request that, if the alterations and additions which they have made in the draft are accepted, a series of byelaws or regulations agreeing strictly with the draft (as amended) may be submitted to them for confirmation after the preliminary statutory requirements have been satisfied. The byelaws or regulations forwarded to them for confirmation should be in print, and these should be carefully examined with the draft before being adopted by the council. The adoption should be under the common seal of the authority (except in the case of a parish council, as to which see the Instructions hereinafter set out), and the sealing should be properly attested, the actual date of the sealing being inserted in the attestation. Ample space should be left at the end of the series for the Board's seal and certificate of confirmation.

The Board further state that it is important that the notice of the intention to apply for confirmation should be given in such terms as to clearly show that a copy of the byelaws will be kept at the office of the council, and be open for the inspection of the ratepayers, for a calendar month from and after the date of its first publication in the newspaper, and not merely for a month from the date of the notice.

When the byelaws are forwarded for confirmation, they should be accompanied by the amended draft, and also by a copy of the newspaper or of each newspaper (with the advertisement clearly marked) in which the notice of intention to apply for confirmation has been given. And, in cases to which the provisions of s. 184 of the Public Health Act, 1875, apply, the

In the case of a parish council, the application for confirmation of the byelaws should be made in the Form prepared by the Local Government Board, and the instructions of that Board with respect to such applications embodied in their Memorandum dated August, 1899, should be carefully observed. A copy of the Form and of the Memorandum referred to are set out below :

INSTRUCTIONS WITH RESPECT TO APPLICATIONS FOR CONFIRMATION
OF BYELAWS OR REGULATIONS. See note (a) below.

2. The byelaws or regulations must be made at a meeting of the council under the hands and seals of the chairman presiding at the meeting, and of two other members of the council. See s. 3 (9) of the Local Government Act, 1894. The following or any similar form may be used :

Members of the Parish Council."

(a) NOTE.—Parish councils desiring to make byelaws or regulations which require to be confirmed by the Local Government Board are strongly recommended before taking any formal steps in the matter to submit their proposals to the Board in draft form. These instructions apply to cases in which this course has been adopted and the draft has been approved by the Board.

The signing and sealing must take place at the meeting. There must be a separate sealing for each signature. Wafer seals or any other means of indicating a seal may be used.

3. Ample space should be left at the end of the series for the Board's seal and certificate of confirmation.

4. Before application for confirmation is made, not less than one calendar month's notice of the intention to apply must be given in at least one local newspaper circulating in the parish; and for a full calendar month after the date of the publication of this notice in the newspaper, a copy of the byelaws or regulations must be deposited at the office of the parish council (or if they have no regular office, at some other convenient place in the parish) for the inspection of the ratepayers.

5. The notice inserted in the newspaper may be in the following form, the blanks being filled in:

"PARISH OF .

"Confirmation of Byelaws [*or* Regulations].

"Notice is hereby given that the parish council of the parish of , intend to apply to the Local Government Board for confirmation of byelaws [*or* regulations] made by the parish council [insert here in precise terms the subject of the byelaws or regulations]. Copies of the said byelaws [*or* regulations] will be kept at the office of the parish council at , and will be open to the inspection of the ratepayers without fee or reward on any week day between the hours of and , during the period of one calendar month from and after the date of the first [strike out first if only one publication] publication of this notice.

("Signed)

Clerk to the Council.

[Insert date of signature] , 19 ."

6. The byelaws or regulations must be kept deposited at the place described in the notice for a full calendar month after the date of publication of the newspaper in which the notice appears.

It is essential that a copy of the byelaws or regulations so

^adeposited should be correct. If it is thought desirable, the draft approved by the Board may be deposited.

7. A form of application to the Board for confirmation is enclosed. This form when completed should be forwarded to the Board with the following:

- (a) The draft revised by the Board:
- (b) The sealed byelaws or regulations: and
- (c) A copy of the newspaper containing the notice of intention to apply for confirmation, with the advertisement clearly marked therein. If the notice was published more than once, the newspaper in which it first appeared should be sent.

Local Government Board,
August, 1899.

Form referred to in the preceding Memorandum of the Local Government Board.

APPLICATION FOR CONFIRMATION OF BYELAWS OR REGULATIONS.

By direction and on behalf of the parish council of the parish of _____, I hereby apply to the Local Government Board for confirmation of the enclosed series of byelaws [or regulations] as to _____.

The sealed series [or a copy agreeing with the sealed series] has, in accordance with the preliminary requirements of s. 184 of the Public Health Act, 1875, been deposited for the inspection of the ratepayers, for a full calendar month from and after the date of the first publication in a newspaper of notice of intention to make this application, namely, from the day of _____, 1 _____, to the day of _____, 1 _____ (both days inclusive).

The draft approved by the Local Government Board was deposited. [Strike out these words if the draft was not deposited.]

A copy of the newspaper containing the notice of intention to apply for confirmation is sent with this application, together with the revised draft of the series.

(Signed)

Clerk of the Parish Council.

The following remarks as to the practice of the Local Government Board in dealing with applications for the confirmation or allowance of byelaws and regulations appear in their 36th Annual Report (1906—1907), p. lxxii.

“Our practice in requesting that byelaws and regulations “may be, in the first instance, submitted to us in draft, so “that before they are actually made their details may be “examined from legal, sanitary, and technical points of view, “and the policy of the clauses by which it is proposed to “create punishable offences may be fully considered, continues “to work satisfactorily, and enables us, in dealing with proposed clauses, to suggest such modifications as experience “has shown to be useful.

“In connection with the framing of byelaws, we have experienced advantage from arranging for conferences between “some of our officers and representatives of the local authority “proposing the byelaws. Many conferences of this nature “took place during the year. In several cases it was found “desirable to hold local inquiries for the purpose of ascertaining the special circumstances in which certain clauses “were deemed necessary.”

SPECIAL NOTES.

Where there is power to make byelaws in connection with a particular matter which forms the subject of a separate Part of this work, a paragraph or paragraphs will generally be found in that part devoted to the subject of those byelaws (*a*).

In the following special notes particulars as to byelaws in relation to other matters are given, but the general instructions

(*a*) For paragraphs in relation to byelaws as to—

PUBLIC BATHS AND WASHHOUSES and OPEN BATHING PLACES, see Part VI.

CEMETERIES, see Part XII.

COMMONS AND OPEN SPACES, see Part XVI.

LAVATORIES and SANITARY CONVENIENCES, see Part XVIII.

LOCOMOTIVES, see Part XXXVI.

MARKETS, see Part XXXIX.

MORTUARIES, see Part XLI.

PLEASURE GROUNDS, see Part LIV.

PUBLIC LIBRARIES and MUSEUMS, see Part XXXIII, and XLII.

SLAUGHTERHOUSES, see Part LIX.

as to byelaws already set out in this part will apply to all byelaws proposed to be made as to those matters.

I. Animals for hire.—Power to make byelaws in regard to animals standing for hire is conferred by the first paragraph of s. 172 of the Public Health Act, 1875, which enacts that :

“Any urban authority may licence the proprietors drivers and conductors of horses ponies mules or asses standing for hire within the district in like manner and with the like incidents and consequences as in the case of proprietors and drivers of hackney carriages, and may make byelaws for regulating stands and fixing rates of hire, and as to the qualification of such drivers and conductors, and for securing their good and orderly conduct while in charge.”

It will be observed that an urban authority *only* (*i.e.* a town council or urban district council) are empowered to make byelaws under this enactment; but a rural district council may be invested with the powers of this section by order under s. 276 of the Act. See Part LXVI., “Urban Powers.”

The Local Government Board have prepared model byelaws on this subject, and these have been placed on sale, viz. :

Series XI.

Horses, Ponies, Mules, or Asses standing for Hire. [8vo. 1901. Price 2d. (a)]

A memorandum, dated May 28th, 1879, is prefixed to the published copies containing observations of the Board upon the manner, incidents, and consequences of the licensing of the proprietors, drivers, and conductors of horses, ponies, mules, or asses standing for hire.

II. Public bathing (in connection with bathing machines).—The power to make byelaws for the purpose of regulating public bathing in urban districts in connection with bathing machines is conferred by s. 69 of the Town Police Clauses Act, 1847, which, with other provisions of that Act, is incorporated with the Public Health Act, 1875, by s. 171 thereof.

(a) Copies may be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

Section 69 of the Act of 1847 enacts as follows :

“Where any part of the sea-shore or strand of any river
“used as a public bathing-place is within the limits of the
“special Act, the commissioners may make byelaws for the
“following purposes ; (that is to say,)

“For fixing the stands of bathing machines on the sea-shore
“or strand, and the limits within which persons of each
“sex shall be set down for bathing, and within which
“persons shall bathe :

“For preventing any indecent exposure of the persons of
“the bathers :

“For regulating the manner in which the bathing machines
“shall be used, and the charges to be made for the same :

“For regulating the distance at which boats and vessels let
“to hire for the purpose of sailing or rowing for pleasure
“shall be kept from persons bathing within the prescribed
“limits.”

Unless s. 92 of the Public Health Acts Amendment Act, 1907, is in force a rural district council can only make byelaws as to these matters when they have obtained the necessary urban powers, as to which see Part LXVI., “Urban Powers.”

Under s. 92 of the Act of 1907 a local authority (including an urban or a rural authority) can, when that section has been put in force by an Order of the Local Government Board and subject to the confirmation of the Board, make byelaws with regard to any public bathing, whether from bathing machines or not, for any of the purposes of s. 69 of the Act of 1847, and also for regulating the hours of bathing and for other purposes.

The Board have prepared model byelaws on this subject, and these have been placed on sale, viz. :

Series VIII.

Public Bathing. [8vo. 1901. Price 2d. (a)]

III. Cabmen's shelters.—Power to make byelaws for regulating the conduct of persons using cabmen's shelters is conferred by s. 40 (2) of the PUBLIC HEALTH ACTS AMENDMENT ACT, 1890. That section enacts as follows :

(a) Copies may be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

“(1) An urban authority may from time to time provide, maintain, and remove in or near any street in their district suitable erections for the use, convenience, and shelter of drivers of hackney carriages, and such other persons as the urban authority may permit to use the same.

“(2) The urban authority may from time to time make regulations for prescribing the terms and conditions and the fees (if any) to be charged for the use of such places of shelter, and may make byelaws for regulating the conduct of persons using the same.”

This enactment applies only to urban authorities who have adopted Part III. of the Public Health Acts Amendment Act, 1890, or to rural district councils who have been invested with the powers of this section by Order under s. 5 of the Act. Regulations, as distinct from byelaws under sub-s. (2), do not require to be confirmed by the Local Government Board.

Model byelaws under this sub-section have not been issued by the Board, but Messrs. Shaw & Sons, Fetter Lane, London, E.C., have published a model series which will be of assistance in framing any such byelaws. Byelaws under this enactment made by the town council of Hove were confirmed during the year 1906.

When forwarding the draft byelaws proposed to be made to the Board for their preliminary approval, it should be stated on what date Part III. of the Act came into force, or in the case of a rural authority the date of the Order conferring the powers should be mentioned.

IV. Cleansing of cisterns.—Metropolitan borough councils and the common council of the city of London are empowered to make byelaws on this subject under s. 50 of the PUBLIC HEALTH (LONDON) Act, 1891, which enacts as follows :

“Every sanitary authority (a) shall make byelaws for securing the cleanliness and freedom from pollution of tanks, cisterns, and other receptacles used for storing of water used

(a) As to the meaning of “sanitary authority,” see s. 99 of the Act referred to, ss. 5 and 7 of the City of London Sewers Act, 1897, and s. 4 of the London Government Act, 1899.

“or likely to be used by man for drinking or domestic purposes, or for manufacturing drink for the use of man.”

The confirmation of the Local Government Board is required to byelaws under that section by virtue of s. 114 of that Act, which applies the provisions of ss. 182 to 186 of the Public Health Act, 1875.

The Board have prepared model byelaws on this subject, and these have been placed on sale. [*Price 1d. (a)*]

V. Cleansing of footways and pavements, earth-closets, privies, ashpits, and cesspools, and the removal of house refuse.—The first paragraph of s. 44 of the PUBLIC HEALTH Act, 1875, enacts as follows :

“Where the local authority do not themselves undertake or contract for—

“The cleansing of footways and pavements adjoining any
“premises,

“The removal of house refuse from any premises.

“The cleansing of earth-closets, privies, ashpits, and cess-
“pools belonging to any premises,

“they may make byelaws imposing the duty of such cleansing
“or removal, at such intervals as they think fit, on the occupier
“of any such premises.”

It will be observed that byelaws under this enactment can only be made where the local authority do not themselves undertake or contract for the work. The provision applies to the council of a rural district as well as to the council of a borough or urban district.

Section 11 (1) of the Public Health Acts Amendment Act, 1890, enacts that the expression “ashpit” in the Public Health Acts and that Act shall include any ash-tub or other receptacle for the deposit of ashes, fœcal matter or refuse.¹

The Local Government Board have prepared model byelaws under the first paragraph of s. 44 of the Act of 1875, and these have been placed on sale, viz. :

(a) Copies may be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

*Series I.**Cleansing of Footways and Pavements.**Removal of House Refuse.**Cleansing of Earth-closets, Privies, Ashpits, and Cesspools.*
[8vo. Price 2d. (a)]

Memoranda are prefixed to the published copies containing observations of the Board as to the powers of local authorities in relation to the matters referred to and as to the scope of byelaws which may be made under the enactment.

In submitting draft byelaws with respect to the cleansing of earth-closets, privies, ashpits, and cesspools, it should be stated to what extent earth-closets, etc., are in use in the district, and whether the occupiers of houses at which they exist possess facilities for cleansing them and disposing of their contents. If the occupiers have no such facilities the local authority should consider whether it would not be advisable to themselves undertake or contract for the work under s. 42 of the Act.

Section 26 (2) of the PUBLIC HEALTH ACTS AMENDMENT ACT, 1890, provides that—

“Where a local authority themselves undertake or contract for the removal of house refuse they may make byelaws imposing on the occupier of any premises duties in connection with such removal so as to facilitate the work which the local authority undertake or contract for.”

The power of a local authority to undertake or contract for the removal of refuse is conferred by s. 42 of the Public Health Act, 1875. The expression “local authority” includes a rural district council as well as the council of a borough or urban district; but the above-cited sub-section of the Act of 1890 is only in force where Part III. of that Act has been adopted by the local authority or where it has been specially put in force in a rural district (or any part thereof) by an order of the Local Government Board made in pursuance of s. 5 of the Act.

Model byelaws under this sub-section have not been issued by the Local Government Board; but Messrs. Shaw & Sons, Fetter Lane, London, E.C., have published a model series which will be of assistance in framing any such byelaws.

When forwarding the draft byelaws to the Local Government

(a) Copies may be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

Board for their preliminary approval, it should be stated on what date Part III. of the Act of 1890 came into force. If, in the case of a rural district, the enactment was put in force by an order of the Board, it will be sufficient to give a reference to the date of the order. Where the district for which the byelaws are intended to be made is within the Metropolitan Police District, this should be mentioned.

VI. Dairies, cowsheds, and milk-shops.—In pursuance of Art. 14 of the Dairies, Cowsheds, and Milk-shops Order of 1885, as amended by Art. 2 of the Dairies, Cowsheds, and Milk-shops Order of 1886, local authorities are required to send to the Local Government Board a copy of every regulation made by them under the first-mentioned order not less than one month before the date named in such regulation for the same to come into force; and if at any time the Local Government Board are satisfied on inquiry, with respect to any regulation, that the same is of too restrictive a character or otherwise objectionable and direct the revocation thereof, the same shall not come into operation or shall thereupon cease to operate, as the case may be.

In this connection the Local Government Board state, in their thirty-sixth Annual Report (1906—1907), p. lxxi., that “We have not found it necessary to exercise the power of revocation thus conferred upon us, as the series submitted to us are usually based upon our model clauses, and the local authorities have for the most part given effect to any suggestions which we have thought it necessary to offer with respect to the form or substance of the regulations.”

As stated in the preceding paragraph, the Board have prepared a model series of regulations, and copies of these have been placed upon sale.

Model Regulations.

Dairies, Cowsheds, and Milk-shops. [8vo. 1901.

Price 1d. (a)]

A memorandum, dated June 10th, 1899, explanatory of the powers of local authorities in regard to these matters, the jurisdiction of the Board, and the scope of the regulations, etc., is prefixed to the published copies.

(a) See footnote (a) on p. 210.

VII. **Hackney carriages.**—Power to make byelaws on this subject is conferred by s. 68 of the Town Police Clauses Act, 1847, which is incorporated with the Public Health Act, 1875, by s. 171 for the purpose of regulating hackney carriages in urban districts (including boroughs).

Section 68 of the Act of 1847 is in the following terms :

“The commissioners may from time to time (subject to the restrictions of this and the special Act) make byelaws for all or any of the purposes following (that is to say),

“For regulating the conduct of the proprietors and drivers
“of hackney carriages plying within the prescribed
“distance in their several employments, and determining whether such drivers shall wear any and
“what badges, and for regulating the hours within which
“they may exercise their calling :

“For regulating the manner in which the number of each
“carriage, corresponding with the number of its licence,
“shall be displayed :

“For regulating the number of persons to be carried by
“such hackney carriages, and in what manner such
“number is to be shown on such carriage, and what
“number of horses or other animals is to draw the
“same, and the placing of check strings to the
“carriages, and the holding of the same by the driver,
“and how such hackney carriages are to be furnished
“or provided :

“For fixing the stands of such hackney carriages, and
“the distance to which they may be compelled to
“take passengers, not exceeding the prescribed
“distance :

“For fixing the rates or fares, as well for time as distance,
“to be paid for such hackney carriages within the prescribed distance, and for securing the due publication
“of such fares :

“For securing the safe custody and re-delivery of any
“property accidentally left in hackney carriages, and
“fixing the charges to be made in respect thereof.”

Byelaws for this purpose can only be made by a rural district council in respect of an area in which the incorporated

provisions of the Town Police Clauses Act, 1847, with respect to hackney carriages, have been put in force by an order of the Local Government Board under s. 276 of the Act of 1875. As to the manner in which an application for such an order should be made, see under Part LXVI., "Urban Powers."

The Local Government Board have prepared model byelaws on this subject, and these have been placed on sale, viz. :

Series VII.

Hackney Carriages. [8vo. 1877. Price 3d. (a)]

A Memorandum of the Board, dated July 25th, 1877, as to the powers of an urban authority in the matter and the scope of the byelaws, is prefixed to the published copies.

When submitting the drafts of any proposed byelaws to the Board for their preliminary approval, it should be stated whether there is any local Act or Provisional Order amending a local Act in force in the district containing provisions with respect to hackney carriages; and, if so, a reference should be given to the Act or order. It should be stated whether there are any byelaws in force as to lights on vehicles; and, where the district is within the Metropolitan Police District, this should also be mentioned. In the case of a rural district, a reference should be given to the date of the order of the Board putting the necessary urban powers in force in the area to which the byelaws will apply.

VIII. Hop, fruit, and vegetable pickers.—Section 314 of the PUBLIC HEALTH ACT, 1875, as amended by s. 2 of the PUBLIC HEALTH (FRUIT PICKERS' LODGINGS) ACT, 1882, provides that any local authority may, if they think fit, make byelaws for securing the decent lodging and accommodation of persons engaged in hop-picking, or in the picking of fruit and vegetables within the district of such authority.

These enactments apply to a rural district council as well as to a town council or urban district council.

(a) Copies may be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

The Board have prepared model byelaws under these provisions, and these have been placed on sale :

Hop-pickers and Pickers of Fruit and Vegetables. [8vo. 1902. Price 2d. (a)]

A Memorandum of the Board, dated August, 1902, as to the statutory provisions bearing on the matter, and as to the expediency of making byelaws under s. 9 of the Housing of the Working Classes Act, 1885, is prefixed to the published copies.

IX. Lodging houses.—1. *Common Lodging Houses.*—Section 80 of the PUBLIC HEALTH ACT, 1875, enacts as follows :

“Every local authority shall from time to time make
“byelaws—

“ (1) For fixing and from time to time varying the number
“ of lodgers who may be received into a common
“ lodging-house, and for the separation of the sexes
“ therein; and,

“ (2) For promoting cleanliness and ventilation in such
“ houses; and,

“ (3) For the giving of notices and the taking precautions
“ in the case of any infectious disease; and,

“ (4) Generally for the well ordering of such houses.”

This enactment applies to a rural district council as well as to a town council or urban district council; and the confirmation of the Local Government Board to the making of byelaws thereunder is required by s. 184 of the Act.

The Board have prepared model byelaws under this section, and these have been placed on sale, viz. :

Series III.

Common Lodging-houses. [8vo. 1901. Price 3d. (a)]

A Memorandum of the Board, dated November 20th, 1901, as to the meaning of the expression “common lodging-house,” the powers of the local authority in relation to such houses,

(a) Copies may be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

the registration thereof, and the rules which should guide the inspecting officer in his examination of the premises is prefixed to the published copies.

2. *Houses let in Lodgings*.—Section 90 of the PUBLIC HEALTH Act, 1875, as amended by s. 8 of the Housing of the Working Classes Act, 1885, enables every urban and rural authority to make byelaws for the following matters :

- “(1) For fixing and from time to time varying the number
“of persons who may occupy a house or part of a
“house which is let in lodgings or occupied by
“members of more than one family, and for the
“separation of the sexes in a house so let or occupied ;
- “(2) For the registration of houses so let or occupied :
- “(3) For the inspection of such houses :
- “(4) For enforcing drainage and the provision of privy
“accommodation for such houses, and for promoting
“cleanliness and ventilation in such houses :
- “(5) For the cleansing and lime-washing at stated times of
“the premises, and for the paving of the courts and
“courtyards thereof :
- “(6) For the giving of notices and the taking of precautions
“in case of any infectious disease.”

These provisions do not, however, apply to common lodging-houses within the provisions of this Act relating to common lodging-houses.

The Board have prepared model byelaws, and these have been placed on sale, viz. :

Series XIII.

Houses Let in Lodgings. [8vo. 1904. Price 2d. (a)]

A Memorandum of the Board, dated August, 1899, as to the powers of the local authority and the scope of the byelaws is prefixed to the published copies.

With respect to the administrative county of London, s. 94 of the PUBLIC HEALTH (LONDON) Act, 1891, enables every sanitary authority (b) in London to make byelaws for similar matters.

(a) See footnote on p. 214.

(b) As to the meaning of “sanitary authority,” as used in this section, see footnote (a) on p. 208.

Byelaws under this enactment are subject to the confirmation of the Local Government Board by virtue of s. 114 of the Act which applies the provisions of ss. 182 to 186 of the Public Health Act, 1875.

The Board have prepared model byelaws under this provision, and these have been placed on sale. [*Price 1d. (a)*]

3. *Lodging-houses established or acquired by a Local Authority.*—Section 62 (1) of the HOUSING OF THE WORKING CLASSES ACT, 1890, enacts as follows in regard to lodging-houses established or acquired by a local authority under Part III. of that Act :

“The local authority may make byelaws for the management, use, and regulation of the lodging-houses, and it shall be obligatory on the local authority, except in the case of a lodging-house which is occupied as a separate dwelling, by such byelaws to make sufficient provision for the several purposes expressed in the Sixth Schedule to this Act.”

“ Sixth Schedule.

“Byelaws to be Made in all Cases (except where a Lodging-house is used as a separate Dwelling).

“For securing that the lodging-houses shall be under the management and control of the officers, servants, or others appointed or employed in that behalf by the local authority.

“For securing the due separation at night of men and boys above eight years old from women and girls.

“For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour and nuisances.

“For determining the duties of the officers, servants, and others appointed by the local authority.”

The confirmation of the Local Government Board is necessary to byelaws under this enactment by virtue of s. 84 of the Act which applies the provisions of the Public Health Act, 1875, relating to byelaws.

The Board have not prepared a model series of byelaws for the purposes in question.

(a) Copies may be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

In forwarding the draft byelaws to the Local Government Board for their preliminary approval, it should be stated when the lodging-house to which the byelaws will apply was established or acquired by the local authority, and whether it was provided out of a loan. If evidence has not already been furnished to the Board of the adoption of Part III. of the Act, this should also be supplied.

Byelaws under s. 62 (1) were made by the town council of Southampton, and confirmed by the Local Government Board in 1902.

X. Nuisances.—The second paragraph of s. 44 of the PUBLIC HEALTH ACT, 1875, enacts as follows:

“An urban authority may also make byelaws for the prevention of nuisances arising from snow filth dust ashes and rubbish, and for the prevention of the keeping of animals on any premises so as to be injurious to health.”

This enactment directly empowers an urban authority *only* (i.e. a town council or urban district council) to make byelaws; but the Local Government Board may, by an Order under s. 276 of the Act, invest a rural district council with the powers of this paragraph in respect of their district or any contributory place therein. Any rural district council, therefore, desirous of making byelaws under the provision in question should, in the first instance, apply to the Local Government Board for an Order investing them with the necessary powers. For information as to the manner in which such an application should be made to the Board, see under Part LXVI., “Urban Powers.”

The Local Government Board have prepared model byelaws under the enactment referred to, and these have been placed on sale, viz.:

Series II.

Prevention of Nuisances arising from snow, filth, dust, ashes, and rubbish.

Prevention of the Keeping of Animals on any premises so as to be injurious to health. [8vo. 1903. Price 2d. (a)]

(a) See footnote on p. 216.

A Memorandum of the Board, dated August, 1902, containing observations as to the powers of an urban authority in regard to these matters and as to the scope of the byelaws, is prefixed to the published copies.

Section 26 (1) of the PUBLIC HEALTH ACTS AMENDMENT ACT, 1890, provides that:

“An urban authority may make byelaws in respect of the following matters, namely:

- “(a) For prescribing the times for the removal or carriage
 “through the streets of any fecal or offensive or
 “noxious matter or liquid, whether such matter or
 “liquid shall be in course of removal or carriage from
 “within or without or through their district;
- “(b) For providing that the vessel, receptacle, cart, or
 “carriage used therefor shall be properly constructed
 “and covered so as to prevent the escape of any such
 “matter or liquid;
- “(c) For compelling the cleansing of any place whereon
 “such matter or liquid shall have been dropped or
 “spilt in such removal or carriage.”

The powers of this enactment are only available where an urban authority (*i.e.* a town council or urban district council) have adopted Part III. of the Act referred to or where the sub-section has been specially put in force in a rural district (or part thereof) by an Order of the Local Government Board made in pursuance of s. 5 of the Act. The provision is not one of those which can be adopted by a rural district council.

The Local Government Board have not issued any model byelaws under this enactment, but Messrs. Butterworth & Co., 11 and 12, Bell Yard, Temple Bar, and Messrs. Shaw & Sons, Fetter Lane, London, E.C., have published a model series which will be of assistance in framing such byelaws.

When forwarding the draft byelaws to the Local Government Board for their preliminary approval, the date on which Part III. of the Act came into operation should be stated. In the case of a rural district council, a reference should be given to the date of the Order of the Local Government Board putting the provision in force. If the district for which the

byelaws are intended to be made is within the Metropolitan Police District, this should also be mentioned.

In connection with the making of byelaws on this subject by local authorities outside London but within the metropolitan police district, attention is called to the provisions of the Removal of Offensive Matters Act, 1906, and the remarks on pp. lxiii. and lxiv. of the 36th Annual Report of the Local Government Board (1906—1907).

The *London County Council* are empowered to make byelaws for similar purposes for the administrative county of London (exclusive of the City of London) in pursuance of s. 16 (2) of the PUBLIC HEALTH (LONDON) ACT, 1891, which provides that :

“ The county council shall made byelaws :

- “ (a) for prescribing the times for the removal or carriage by
 - “ road or water of any faecal or offensive or noxious
 - “ matter or liquid in or through London, and pro-
 - “ viding that the carriage or vessel used therefor shall
 - “ be properly constructed and covered so as to prevent
 - “ the escape of any such matter or liquid, and as to
 - “ prevent any nuisance arising therefrom ; and
- “ (b) as to the closing and filling up of cesspools and privies,
 - “ and as to the removal and disposal of refuse, and as to
 - “ the duties of the occupier of any premises in connec-
 - “ tion with house refuse, so as to facilitate the removal
 - “ of it by the scavengers of the sanitary authority.”

Any such byelaws require the confirmation of the Local Government Board by virtue of s. 114 of the Act, which applies the provisions of ss. 182 to 186 of the Public Health Act, 1875. Byelaws made by the London County Council for regulating the removal or carriage of any faecal or offensive or noxious matter or liquid were confirmed by the Local Government Board in 1901.

Metropolitan Borough Councils and the *Common Council of the City of London* are empowered to make byelaws for the prevention of nuisances, etc., under sub-s. (1) of s. 16 of the PUBLIC HEALTH (LONDON) ACT, 1891, which enacts as follows :

“ Every sanitary authority (a) shall make byelaws :

- “ (a) for the prevention of nuisances arising from any snow,
 - “ ice, salt, dust, ashes, rubbish, offal, carrion, fish, or
 - “ filth, or other matter or thing in any street ; and

(a) As to the meaning of “ sanitary authority,” as used in this section, see footnote (a) on p. 208.

- “(b) for preventing nuisances arising from any offensive
“matter running out of any manufactory, brewery,
“slaughter-house, knackers’ yard, butcher’s or fish-
“monger’s shop, or dunghill, into any uncovered place,
“whether or not surrounded by a wall or fence; and
- “(c) for the prevention of the keeping of animals on any
“premises in such place or manner as to be a
“nuisance or injurious or dangerous to health; and
- “(d) as to the paving of yards and open spaces in con-
“nection with dwelling-houses.”

The confirmation of the Local Government Board is necessary to the making of byelaws under this sub-section, in pursuance of s. 114 of the Act, which, as has already been pointed out, applies ss. 182 to 186 of the Public Health Act, 1875.

The Local Government Board have prepared model byelaws under this enactment, and these have been placed on sale. [*Price 1d. (a)*]

XI. Offensive trades.—Power to make byelaws on this subject is conferred on urban authorities (*i.e.* town councils and urban district councils) by s. 113 of the Public Health Act, 1875, and this power has been extended by s. 51 of the Public Health Acts Amendment Act, 1907, so as to enable a local authority within the meaning of that Act to make byelaws with respect to any trade which is an offensive trade under s. 112 of the Act of 1875 as amended by the Act of 1907, whether established before or after the commencement of the latter Act. S. 51 of the Act of 1907 is, however, only operative where it has been declared in force by an Order of the Local Government Board.

Byelaws under s. 113 can only be made by a rural district council in respect of an area in which that enactment has been put in force by an Order of the Local Government Board under s. 276 of the Act. As to applications by rural district councils to be invested with the powers of an urban authority in regard to offensive trades, see Part LXVI., “Urban Powers.”

The Local Government Board have prepared model byelaws on this subject, and these have been placed on sale, *viz.*:

Series XVI.

Offensive Trades. [8vo. 1904. *Price 2d. (a)*]

A Memorandum of the Board, dated July 25th, 1882, is

(a) Copies can be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

prefixed to the published copies, containing observations as to the powers then possessed by urban authorities in the matter, the scope of the model byelaws, and the decisions of the courts bearing on the question of what is a noxious or offensive trade, business, or manufacture.

In any case in which draft byelaws are submitted by a rural district council to the Local Government Board for their preliminary approval, a reference should be given to the date of the Order of the Board putting the powers of s. 113 of the Act of 1875 in force in the area for which the byelaws are to be made, and to their Order (if any) putting in force s. 51 of the Act of 1907. If no such Order has been made this should be stated.

XII. Omnibuses.—Power to make byelaws on this subject is conferred by s. 6 of the Town Police Clauses Act, 1889, which Act is, by s. 2 (2), to be deemed to be incorporated with the Public Health Act, 1875, by s. 171 of that Act, for the purpose of regulating omnibuses (*a*) in urban districts (including boroughs).

Section 6 of the Act of 1889 enacts as follows:

“The commissioners may from time to time make byelaws for all or any of the following purposes, that is to say:

“For regulating the conduct of the proprietors, drivers, and
“conductors of omnibuses plying within the prescribed
“distance in their several employments, and deter-
“mining whether such drivers and conductors shall
“wear any and what badges:

“For regulating the manner in which the number of each
“omnibus corresponding with the number of its licence
“shall be displayed:

“For regulating the number of persons to be carried by
“such omnibus, and in what manner such number is
“to be shown thereon:

“For regulating the number and securing the fitness of the
“animals to be allowed to draw an omnibus, and for
“the removal therefrom of unfit animals:

“For securing the fitness of the omnibus and the harness of
“the animals drawing the same:

“For fixing the stands for omnibuses and the points at
“which they may stop a longer time than is necessary

(*a*) As to the meaning of “omnibus,” see s. 3 of the Town Police Clauses Act, 1889.

- “for the taking up and setting down of passengers
“desirous of entering or leaving the same:
- “For securing the safe custody and redelivery of any
“property accidentally left in any omnibus, and fixing
“the charge to be made in respect thereof:
- “To provide for the carrying and the lighting of proper
“lamps for denoting the direction in which the omni-
“bus is proceeding, and promoting the safety and
“convenience of the passengers carried thereby:
- “To provide for the exhibition on some conspicuous part of
“every omnibus of a statement in legible letters and
“figures of the fares to be demanded and received
“from the persons using or carried for hire in such
“omnibus:
- “To prevent within the prescribed distance—
- “(a) the owner, driver, or conductor of any omnibus, or any
“other person on their or his behalf, by touting,
“calling out, or otherwise, from importuning any
“person to use or to be carried for hire in such
“omnibus, to the annoyance of such person or of
“any other person;
- “(b) the blowing of or playing upon horns or other musical
“instruments, or the ringing of bells, by the driver
“or conductor of any omnibus, or by any person
“travelling on or using any such omnibus.
- “Provided that nothing in this Act contained shall empower
“the commissioners to fix the site of the stand of any omnibus
“in any railway station, or in any yard adjoining or connected
“therewith, except with the consent of the railway company
“owning such site.”

Byelaws for this purpose can only be made by a rural district council in respect of an area in which the provisions of the Act of 1889 have been put in force by an Order of the Local Government Board under s. 276 of the Act of 1875. As to the manner in which an application for such an Order should be made, see under Part LXVI., “Urban Powers.”

Model byelaws on this subject have not been issued by the Local Government Board, but Messrs. Shaw & Sons, Fetter Lane, London, E.C., have published a series which will be of assistance in framing such byelaws.

When submitting the drafts of any proposed byelaws to the Local Government Board for their preliminary approval, it should be stated whether there is any local Act, or Provisional Order, in force in the district containing provisions on the subject; and, if so, a reference should be given to the particular section of the Act or Order dealing with the matter. It should also be stated whether there are any byelaws in force as to lights on vehicles; and, in the case of a rural district, a reference should be given to the date of the Order of the Board putting the necessary powers in force in the area to which the byelaws will apply. Where the district for which the byelaws are intended to be made is within the Metropolitan Police District, this fact should be mentioned.

XIII. Pleasure boats and vessels.—Power to make byelaws with respect to pleasure boats and vessels is conferred on an urban authority by the second paragraph of s. 172 of the PUBLIC HEALTH ACT, 1875, which enacts as follows:

“Any urban authority may also licence the proprietors of “pleasure boats and vessels, and the boatmen or other persons “in charge thereof, and may make byelaws for regulating the “numbering and naming of such boats and vessels, and the “number of persons to be carried therein, and the mooring “places for the same, and for fixing rates of hire, and the “qualification of such boatmen or other persons in charge, and “for securing their good and orderly conduct while in charge.”

A rural authority can only make byelaws for the purpose where they have been invested with the necessary urban powers, as to which see Part LXVI., “Urban Powers.”

The Local Government Board have prepared model byelaws under this provision, and these have been placed on sale, viz.:

Series XII.

Pleasure Boats and Vessels. [8vo. 1902. Price 3d. (a)]

A Memorandum of the Board, dated May 28th, 1879, is prefixed to the published copies containing observations as to the powers then vested in an urban authority with regard

(a) Copies may be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

to licensing (*a*) and the principles which should guide them in the exercise of those powers.

An urban authority, where they have adopted Part III. of the Public Health Acts Amendment Act, 1890, or a rural authority who have been invested with the powers of s. 42 (2) of that Act may also, under that sub-section make similar byelaws (subject to confirmation by the Local Government Board) with respect to pleasure boats on any lake or piece of water in any park or pleasure ground provided by them.

XIV. Removal of infected persons to hospital from ships.

—Section 125 of the PUBLIC HEALTH ACT, 1875, enacts as follows:

“Any local authority may make regulations (to be approved of by the Local Government Board) for removing to any hospital to which such authority are entitled to remove patients, and for keeping in such hospital so long as may be necessary, any persons brought within their district by any ship or boat who are infected with a dangerous infectious disorder, and such regulations may impose on offenders against the same reasonable penalties not exceeding forty shillings for each offence.”

The Local Government Board have prepared model regulations under this enactment, but these have not been placed on sale. Copies of the draft model form for submitting proposed regulations with respect to these matters to the Board for their preliminary approval are supplied on request:

XV. Streets and buildings.—Powers to make byelaws with respect to new streets and buildings and certain matters in connection with buildings are conferred by s. 157 of the Public Health Act, 1875, s. 23 of the Public Health Acts Amendment Act, 1890, and s. 24 of the Public Health Acts Amendment Act, 1907. Those sections enact as follows:

Section 157 of the PUBLIC HEALTH ACT, 1875:

“Every urban authority may make byelaws with respect to the following matters; (that is to say,)

“(1) With respect to the level width and construction of new streets, and the provisions for the sewerage thereof:

(*a*) Section 94 of the Public Health Acts Amendment Act, 1907, also confers powers with respect to the licensing by local authorities of pleasure boats and pleasure vessels. That section applies only when it has been declared in force by order of the Local Government Board.

- “(2) With respect to the structure of walls foundations
“roofs and chimneys of new buildings for securing
“stability and the prevention of fires, and for pur-
“poses of health :
- “(3) With respect to the sufficiency of the space about
“buildings to secure a free circulation of air, and
“with respect to the ventilation of buildings :
- “(4) With respect to the drainage of buildings, to water-
“closets earthclosets privies ashpits and cesspools
“in connection with buildings, and to the closing
“of buildings or parts of buildings unfit for human
“habitation, and to prohibition of their use for such
“habitation :

“And they may further provide for the observance of such
“byelaws by enacting therein such provisions as they think
“necessary as to the giving of notices, as to the deposit of
“plans and sections by persons intending to lay out streets
“or to construct buildings, as to inspection by the urban
“authority, and as to the power of such authority (subject
“to the provisions of this Act) to remove, alter, or pull down
“any work begun or done in contravention of such byelaws :
“Provided that no byelaw made under this section shall affect
“any building erected in any place (which at the time of
“the passing of this Act is included in an urban sanitary
“district) before the Local Government Acts came into force
“in such place, or any building erected in any place (which at
“the time of the passing of this Act is not included in an urban
“sanitary district) before such place becomes constituted or
“included in an urban district, or by virtue of any order of
“the Local Government Board subject to this enactment.

“The provisions of this section and of the two last pre-
“ceding sections shall not apply to buildings belonging to any
“railway company and used for the purposes of such railway
“under any Act of Parliament.”

Section 23 of the PUBLIC HEALTH ACTS AMENDMENT ACT, 1890 :

“(1) Section one hundred and fifty-seven of the Public
“Health Act, 1875, shall be extended so as to empower every
“urban authority to make byelaws with respect to the follow-
“ing matters ; that is to say :

“The keeping waterclosets supplied with sufficient water for
“flushing :

“The structure of floors, hearths, and staircases, and the height
“of rooms intended to be used for human habitation ;

“The paving of yards and open spaces in connection with
“dwelling-houses ; and

“The provision in connection with the laying out of new streets
“of secondary means of access where necessary for the
“purpose of the removal of house refuse and other matters.

“(2) Any byelaws under that section as above extended with
“regard to the drainage of buildings, and to waterclosets, earth-
“closets, privies, ashpits, and cesspools, in connection with
“buildings, and the keeping waterclosets supplied with sufficient
“water for flushing, may be made so as to affect buildings
“erected before the times mentioned in the said section.

“(3) The provisions of the said section (as amended by this
“Act), so far as they relate to byelaws with respect to the
“structure of walls and foundations of new buildings for pur-
“poses of health, and with respect to the matters mentioned
“in sub-sections (3) and (4) of the said section, and with
“respect to the structure of floors, the height of rooms to be
“used for human habitation, and to the keeping of water-
“closets supplied with sufficient water for flushing, shall be
“extended so as to empower rural authorities to make byelaws
“in respect to the said matters, and to provide for the
“observance of such byelaws, and to enforce the same as if
“such powers were conferred on the rural authorities by
“virtue of an order of the Local Government Board made on
“the day when this part of this Act is adopted ; and section
“one hundred and fifty-eight of the Public Health Act, 1875,
“shall also apply to any such authority, and shall be in force
“in every rural district where this part of this Act is adopted.

“(4) Every local authority may make byelaws to prevent
“buildings which have been erected in accordance with bye-
“laws made under the Public Health Acts from being altered
“in such a way that if at first so constructed they would have
“contravened the byelaws.”

Section 24 of the Public Health Acts Amendment Act, 1907 :

“Section one hundred and fifty-seven of the Public Health
“Act, 1875, shall be amended so as to empower the local
“authority to make byelaws—

“with respect to the height of chimneys of buildings and
“with respect to the height of buildings ; and

“with respect to the structure of chimney shafts for the
 “furnaces of steam-engines, breweries, distilleries, or
 “manufactories.

“Section one hundred and fifty-eight of the Public Health
 “Act, 1875, shall also be in force in every district in which
 “the section is in force.”

The Local Government Board have prepared the under-
 mentioned model byelaws on the subjects herein dealt with, viz.:

Series IV.

New Streets and Buildings. [8vo. 1904, reprinted 1908.
Price 6d. (a)]

(Rural Districts.) *New Buildings and certain matters in con-
 nexion with Buildings.* [8vo. 1903. *Price 6d. (a)*]

Drainage of existing Buildings (b).

Section 23 of the Public Health Acts Amendment Act is
 only in force in an urban district where the council have
 adopted Part III. of that Act.

A rural district council can obtain power to make byelaws
 with respect to the matters dealt with in s. 157 of the Act of
 1875, and s. 23 of the Act of 1890, by an Order made by the
 Local Government Board under s. 276 of the former, and s. 5
 of the latter Act. As to applications for such an Order see Part
 LXVI., “Urban Powers.” By adopting so much of Part III. as
 is applicable to rural districts, a rural district council would,
 under sub-s. (3) of s. 23 of that Act, obtain power to make bye-
 laws on the subjects dealt with in the model series of building
 byelaws for rural districts. These relate to the following matters:

- (1) The structure of walls and foundations of new buildings
 for purposes of health;
- (2) The sufficiency of the space about buildings to secure a
 free circulation of air;
- (3) The ventilation of buildings;
- (4) The drainage of buildings;
- (5) Water-closets, earth-closets, privies, ashpits, and cess-
 pools in connection with buildings;
- (6) The keeping of water-closets supplied with sufficient
 water for flushing;

(a) Copies can be purchased either directly or through any bookseller from
 Messrs. Wyman & Sons, Limited, Fetter Lane, London, E.C.

(b) Draft forms are supplied by the Local Government Board.

“The structure of floors, hearths, and staircases, and the height
“ of rooms intended to be used for human habitation ;

“The paving of yards and open spaces in connection with
“ dwelling-houses ; and

“The provision in connection with the laying out of new streets
“ of secondary means of access where necessary for the
“ purpose of the removal of house refuse and other matters.

“(2) Any byelaws under that section as above extended with
“ regard to the drainage of buildings, and to waterclosets, earth-
“ closets, privies, ashpits, and cesspools, in connection with
“ buildings, and the keeping waterclosets supplied with sufficient
“ water for flushing, may be made so as to affect buildings
“ erected before the times mentioned in the said section.

“(3) The provisions of the said section (as amended by this
“ Act), so far as they relate to byelaws with respect to the
“ structure of walls and foundations of new buildings for pur-
“ poses of health, and with respect to the matters mentioned
“ in sub-sections (3) and (4) of the said section, and with
“ respect to the structure of floors, the height of rooms to be
“ used for human habitation, and to the keeping of water-
“ closets supplied with sufficient water for flushing, shall be
“ extended so as to empower rural authorities to make byelaws
“ in respect to the said matters, and to provide for the
“ observance of such byelaws, and to enforce the same as if
“ such powers were conferred on the rural authorities by
“ virtue of an order of the Local Government Board made on
“ the day when this part of this Act is adopted ; and section
“ one hundred and fifty-eight of the Public Health Act, 1875,
“ shall also apply to any such authority, and shall be in force
“ in every rural district where this part of this Act is adopted.

“(4) Every local authority may make byelaws to prevent
“ buildings which have been erected in accordance with bye-
“ laws made under the Public Health Acts from being altered
“ in such a way that if at first so constructed they would have
“ contravened the byelaws.”

Section 24 of the Public Health Acts Amendment Act, 1907 :

“Section one hundred and fifty-seven of the Public Health
“ Act, 1875, shall be amended so as to empower the local
“ authority to make byelaws—

“with respect to the height of chimneys of buildings and
“ with respect to the height of buildings ; and

“with respect to the structure of chimney shafts for the
 “furnaces of steam-engines, breweries, distilleries, or
 “manufactories.

“Section one hundred and fifty-eight of the Public Health
 “Act, 1875, shall also be in force in every district in which
 “the section is in force.”

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 mentioned model byelaws on the subjects herein dealt with, viz.:

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Section 23 of the Public Health Acts Amendment Act is
 only in force in an urban district where the council have
 adopted Part III. of that Act.

A rural district council can obtain power to make byelaws
 with respect to the matters dealt with in s. 157 of the Act of
 1875, and s. 23 of the Act of 1890, by an Order made by the
 Local Government Board under s. 276 of the former, and s. 5
 of the latter Act. As to applications for such an Order see Part
 LXVI., “Urban Powers.” By adopting so much of Part III. as
 is applicable to rural districts, a rural district council would,
 under sub-s. (3) of s. 23 of that Act, obtain power to make bye-
 laws on the subjects dealt with in the model series of building
 byelaws for rural districts. These relate to the following matters:

- (1) The structure of walls and foundations of new buildings
 for purposes of health ;
- (2) The sufficiency of the space about buildings to secure a
 free circulation of air ;
- (3) The ventilation of buildings ;
- (4) The drainage of buildings ;
- (5) Water-closets, earth-closets, privies, ashpits, and cess-
 pools in connection with buildings ;
- (6) The keeping of water-closets supplied with sufficient
 water for flushing ;

(a) Copies can be purchased either directly or through any bookseller from
 Messrs. Wyman & Sons, Limited, Fetter Lane, London, E.C.

(b) Draft forms are supplied by the Local Government Board.

- (7) The closing of buildings or parts of buildings unfit for human habitation and the prohibition of their use for such habitation ; and
- (8) The observance and enforcement of such byelaws.

The rural district council would by such adoption be empowered to make byelaws on the other subjects referred to in that sub-section, viz. the structure of floors and the height of rooms to be used for human habitation, whilst at the same time sub-s. (4) as to the alteration of buildings and the subsidiary provisions of ss. 25 and 33 of that Act would come into force in the district.

The same enactments may, as already mentioned, be put in force by an order of the Local Government Board under s. 5 of the Act of 1890, if the rural district council do not desire to adopt Part III. of that Act.

It will be observed on reference to the provisions of sub-s. (3) of s. 23 that, where that sub-section is in force, s. 158 of the Public Health Act, 1875, is also in force.

In any case in which a rural district council propose to apply to the Local Government Board for an order investing them with the powers of s. 23 of the Act of 1890, they should consider the expediency of extending the application to ss. 25 and 33.

The following Circular Letter of the Local Government Board explains the views of that Board with respect to the urban and rural series of their model byelaws and their respective suitability for adoption in rural districts :

Local Government Board,
Whitehall, S.W.,
January 5th, 1906.

SIR,

I am directed by the Local Government Board to state that it appears from a Parliamentary Return which they have recently caused to be prepared relating to the byelaws with respect to New Streets and Buildings in force in the Rural Districts of England and Wales, that throughout the whole of

169 and in parts of 114 Rural District byelaws are in force based on what is known as the Urban Model Series. This series is a comprehensive one, including clauses on most of the subjects upon which Urban District Councils are authorised under s. 157 of the Public Health Act, 1875, to make byelaws.

Since the issue of this code, which was primarily intended for use in Urban Districts, it has been strongly urged that its adoption in districts which are of a rural character has led to interference with reasonable building operations, and the Board feel that a series of byelaws so extensive as the Urban Model is not necessary for a district or part of a district quite rural in character, where little building is going on and aggregations of population are not likely to develop in the near future. In such cases it is considered that a less elaborate code of building regulations would generally be found sufficient. In order to meet the requirements of such localities the Board in 1901 compiled a model series of building byelaws for rural districts, dealing only with the subjects which appeared to them to be most in need of regulation and control in such districts from a sanitary point of view. This series has commended itself to rural district councils in a large number of cases, and, as appears from the Parliamentary Return, byelaws of the character of this model have already been adopted throughout 106 and in parts of 32 rural districts.

The Board are aware that there are in not a few rural districts areas possessing urban characteristics or containing considerable aggregations of rapidly growing populations for which a more comprehensive series of byelaws is desirable. Indeed, in areas of this kind, the byelaws might properly and desirably approximate to those in force in urban districts. Parts of rural districts having such special circumstances can always be separately dealt with if such areas can be suitably defined. But the Board think it probable that amongst the rural districts in which the Urban Model Series is in force there are many parishes or other areas which cannot be said to have urban characteristics, and in which the byelaws in some respects impose undue restrictions on building and are more onerous than the circumstances require.

The Board are desirous that no obstacles should exist which can properly be avoided in the way of an extension of housing accommodation whether by local authorities or private persons, and the object of this circular is to secure that whilst sanitary requirements should be strictly observed, all unnecessary impediments in the development of building should be avoided.

The Board would be glad if the Rural District Council would carefully review the circumstances of their district for the purpose of seeing whether any modification of the present byelaws is desirable and whether any part of the district might more suitably be placed under a series based on the Rural Model, or, if this is not thought suitable, by such a series supplemented by a limited selection of clauses from the Urban Model. In some cases relaxation has already been given by a clause exempting detached dwelling-houses from certain of the restrictions as to the construction of walls. Even where it is considered that the full code of byelaws should be retained, the existing byelaws, unless made very recently, might with advantage be reviewed in connection with the latest form of the Urban Model. This contains many additions and modifications based on the experience of the working of the old model, and at the same time is framed so as to give more elasticity in the administration of the byelaws.

The Board wish to be informed of the result of the consideration of this letter by the Rural District Council, and they will be pleased to supply draft forms for use in connection with any revision of the present byelaws and to afford any information which they have at their disposal on the subject of byelaws of the kind in question.

I am, sir,

Your obedient servant,

*The Clerk to the
Rural District Council.*

S. B. PROVIS,
Secretary.

The Parliamentary Return referred to in the foregoing circular is headed *Byelaws in Rural Districts* [Parliamentary Paper 272, Session 1905. Price 9d.] and may be purchased directly or through any bookseller from Messrs. Wyman & Sons,

Fetter Lane, London, E.C., was made at the instance of the Right Honble. Henry Hobhouse, and shows, as regards each rural district in England and Wales, the area, population, and number of parishes, whether there are in force any byelaws with respect to new streets and buildings, and, if so, the scope of such byelaws, in the following form:

Rural District.	Area of District in acres.	Population according to Census of 1901.	Number of Parishes in District.	Whether any Byelaws with respect to New Streets or New Buildings are in force.	Where any such Byelaws are in force in Part only of the District, the Names of the Parishes in which they are in force.	Whether the Byelaws substantially follow the Urban Model Series.	If so, whether they contain any Modification as regards the Materials to be used in the Structure of Walls.	Whether the Byelaws substantially follow the Rural Model Series.	If in excess of Rural Model, whether they contain any Additional Provisions as regards the Materials to be used in the Structure of Walls.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.

XVI. Telegraph, etc., wires.—An urban authority who having adopted Part II. of the Public Health Acts Amendment Act, 1890, propose to make byelaws under s. 13, should submit them to the Board of Trade for confirmation and not to the Local Government Board. See sub-s. (4) of that section.

XVII. Tents, vans, sheds, and similar structures.—Subsections (2) and (7) of s. 9 of the HOUSING OF THE WORKING CLASSES ACT, 1885, enact as follows:

“(2) A sanitary authority may make byelaws for promoting cleanliness in, and the habitable condition of tents, vans, sheds, and similar structures used for human habitation and for preventing the spread of infectious disease by the persons inhabiting the same, and generally for the prevention of nuisances in connection with the same.”

“(7) Nothing in this section shall apply to any tent, van, shed, or structure erected or used by any portion of her Majesty’s military or naval forces.”

Like provisions are enacted as regards the administrative county of London by sub-ss. (2) and (4) of the Public Health (London) Act, 1891.

Under these enactments byelaws may be made by the council of any borough or urban or rural district outside the administrative county of London, and by the common council of the city of London and the metropolitan borough councils within that administrative county.

The confirmation of the Local Government Board is required to the making of the byelaws under s. 10 (1) of the Act of 1885, and s. 114 of the Act of 1891.

The Board have prepared model byelaws on these matters as follows :

Tents, Vans, Sheds, and similar Structures. [8vo. 1906. Price 1d. (a)]

A memorandum, dated May, 1899, as to the statutory provisions, is prefixed to the published copies.

XVIII. Tramways.—Section 48 of the TRAMWAYS ACT, 1870, enacts as follows :

“The local authority shall have the like power of making
 “and enforcing rules and regulations, and of granting licenses
 “with respect to all carriages using the tramways, and to all
 “drivers, conductors, and other persons having charge of or
 “using the same, and to the standings for the same, as they
 “are for the time being entitled to make, enforce, and grant
 “with respect to hackney carriages, and the drivers and other
 “persons having the charge thereof, and to the standings for
 “the same in the streets and district of or under the control
 “of the local authority: Provided always, that in any district
 “in which any of the powers aforesaid in relation to hackney
 “carriages and the matters aforesaid in connection therewith
 “are vested in any authority other than the local authority of
 “such district, such authority shall have and may exercise the
 “powers by this section conferred upon the local authority.”

Rules and regulations made by an urban authority under

(a) Copies may be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

this enactment are subject to the confirmation of the Local Government Board in pursuance of ss. 2 and 3 of the Public Health Act (Confirmation of Byelaws) Act, 1884 (47 Vict. c. 12).

The Local Government Board have not issued any model rules and regulations on this subject, but Messrs. Butterworth & Co., Bell Yard, Temple Bar, and Messrs. Shaw & Sons, Fetter Lane, London, E.C., have published a model series which will be of assistance in framing such rules and regulations.

During the year 1906, rules and regulations made by the town councils of Hastings and Worcester were confirmed by the Board.

XIX. Waggon, wain, cart and carriage, and gates on highways.—Under s. 26 of the Highways and Locomotives (Amendment) Act, 1878, county councils and the councils of county boroughs are empowered to make byelaws for all or any of the following purposes :

- “(1) For prohibiting or regulating the use of any waggon
 - “wain cart or carriage drawn by animal power and
 - “having wheels of which the fellys or tires are not
 - “of such width in proportion to the weight carried
 - “by, or to the size of, or to the number of wheels
 - “of such waggon wain cart or carriage as may be
 - “specified in such byelaws ; and
- “(2) For prohibiting or regulating the use of any waggon
 - “wain cart or other carriage drawn by animal power
 - “not having the nails on its wheels countersunk in
 - “such manner as may be specified in such byelaws,
 - “or having on its wheels bars or other projections
 - “forbidden by such byelaws ; and
- “(3) For prohibiting or regulating the locking of the wheel
 - “of any waggon wain cart or carriage drawn by
 - “animal power when descending a hill, unless there
 - “is placed at the bottom of such wheel during the
 - “whole time of its being locked a skidpan slipper or
 - “shoe in such manner as to prevent the road from
 - “being destroyed or injured by the locking of such
 - “wheel ; and

“(4) For prohibiting or regulating the erection of gates
 “across highways, and prohibiting gates opening
 “outwards on highways.”

The making of byelaws under this enactment is subject to the confirmation of the Local Government Board in pursuance of s. 35 of the Act.

The Board have prepared model byelaws on the subjects mentioned, but these have not been placed on sale. Copies of the draft model form for submitting proposed byelaws in regard to these matters to the Board for their preliminary approval are supplied on request.

XX. Water-closets (supply of water). — Metropolitan borough councils and the common council of the city of London are empowered to make byelaws on this subject under s. 39 (2) of the PUBLIC HEALTH (LONDON) ACT, 1891, which enacts as follows :

“Every sanitary authority (*a*) shall make byelaws with
 “respect to the keeping of waterclosets supplied with sufficient
 “water for their effective action.”

Byelaws under this provision require to be confirmed by the Local Government Board by virtue of s. 114 of the Act which applies ss. 182 to 186 of the Public Health Act, 1875.

The Board have prepared model byelaws under this enactment and these have been placed on sale. [*Price 1d. (b)*]

An urban authority (*i.e.* a town council or urban district council) are empowered to make byelaws with respect to the keeping of water-closets supplied with sufficient water for flushing under s. 23 of the Public Health Acts Amendment Act, 1890, when they have adopted Part III. of the Act, and a rural district council may also make such byelaws, when they have adopted so much of Part III. as is applicable to rural authorities or when s. 23 (3) of the Act has been put in force in the area for which the byelaws are proposed to be

(*a*) See footnote on p. 208.

(*b*) Copies may be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

made, by an Order of the Local Government Board. Byelaws on this subject are included in the Model Byelaws as to (i) New Streets and Buildings, and (ii) New Buildings and certain matters in connection with Buildings (Rural Districts). For further information as to these byelaws, see *ante*, pp. 227 *et seq.*

XXI. Water supply (waste, misuse, etc.).—Under various local Acts or Provisional Orders amending local Acts, local authorities, companies and persons supplying water are empowered to make byelaws or regulations for preventing waste, misuse, undue consumption, or contamination of the water, subject to their confirmation by the Local Government Board.

Draft forms of model clauses for this purpose are supplied by the Board on application. The model clauses have not been placed on sale.

When submitting the proposed byelaws or regulations to the Board for their preliminary approval, it should be stated under what clause of the local Act or Provisional Order they are to be made; and a copy of the local Act or Provisional Order should, if possible, be forwarded.

XXII. Whirligigs, swings and shooting galleries.—An urban authority who have adopted Part III. of the Public Health Acts Amendment Act, 1890, are empowered to make byelaws under s. 38 of that Act for the prevention of danger from whirligigs and swings when such whirligigs and swings are driven by steam power, and from the use of firearms in shooting ranges and galleries.

Such byelaws are subject to the confirmation of the Local Government Board by virtue of s. 9.

An Order of the Local Government Board putting this section in force would be necessary to enable a rural district council to make byelaws on this subject.

No model byelaws under this enactment have been issued by that Board, but Messrs. Shaw & Sons, Fetter Lane,

London, E.C., have published a model series which will be of assistance in framing byelaws on this subject.

When submitting the draft byelaws to the Local Government Board for their preliminary approval, it should be stated on what date Part III. of the Act of 1890 came into force.

PART XIV.—CHARTERS OF INCORPORATION.*

Statutory provisions.—Part XI. of the Municipal Corporations Act, 1882 (which comprises ss. 210—218), deals with the grant by his Majesty, on the advice of his Privy Council, of a charter of incorporation on the petition of the inhabitant householders of any town or towns or district in England. Provision is also made as to the settlement, publication, and (in certain cases) confirmation of schemes for the adjustment of the powers, rights, privileges, franchises, duties, property, and liabilities of any then existing local authority whose district comprises the whole or any part of the area of the proposed borough, and also of any officer of that authority. Section 214 (1) requires that a scheme shall, before being settled by the committee of council, be referred for consideration to the Secretary of State and the Local Government Board.

Section 56 of the LOCAL GOVERNMENT ACT, 1888, provides that where a petition is presented for the grant of a charter of incorporation, notice of such petition shall be given to the county council of the county in which the area of the proposed borough is situate, and shall also be sent to the Local Government Board, and that the Privy Council shall consider any representations made by such county council or the Local Government Board, together with the petition for such charter.

The grant of a charter of incorporation to any district being a matter within the jurisdiction of his Majesty's Privy Council, a petition for the grant of such a charter should be addressed to—

THE CLERK OF THE COUNCIL,
Privy Council Office,
Whitehall,
London, S.W.

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. ii. pp. 213—230. "Encyclopædia of Forms and Precedents," vol. xi. pp. 512—550.

Jurisdiction of Local Government Board.—Notice of any such petition must, as already stated, be given to the Local Government Board, and the Privy Council are required to consider any representations made by that Board with the petition for the charter; and if, in connection with the grant of a charter a scheme is proposed, the scheme must be referred for consideration to the Local Government Board before being settled.

Charters granted and refused.—A return was prepared by the Home Office, dated July 18th, 1902, to an address of the House of Commons, made at the request of Mr. D. A. Thomas, “giving the name, population, and area of every place which has applied for a municipal charter of incorporation since 1888, and stating whether the application was granted or refused, and the date of the grant or refusal.” [Parliamentary Paper, No. 284. 1902. *Price 1d.*]

It would appear from this return that, between 1888 and the date of the return, thirty-five charters had been granted, and that applications had been refused as regards twenty places.

I.—CHARTERS GRANTED.

Place.	Date of Order in Council.	Place.	Date of Order in Council.
Abergavenny . . .	1899, July 14th.	Nelson	1890, June 30th.
Bexhill	1902, March 24th.	Ossett	1890, June 30th.
Bournemouth . . .	1890, June 30th.	Pudsey	1899, Oct. 26th.
Bridlington	1899, July 14th.	Rawtenstall . . .	1891, Jan. 12th.
Brighouse	1898, July 28th.	Richmond (Surrey)	1890, June 30th.
Chatham	1890, Oct. 21st.	Smethwick	1899, May 19th.
Chelmsford	1888, Aug. 10th.	Southend-on-Sea . .	1892, Aug. 5th.
Colne	1895, June 29th.	Swindon	1899, Dec. 27th.
Dukinfield	1899, July 14th.	Thornaby-on-Tees .	1892, Aug. 5th.
Ealing	1901, May 13th.	Todmorden	1896, May 13th.
Eccles	1892, May 9th.	Torquay	1892, Aug. 5th.
Haslingden	1891, May 9th.	Tunbridge Wells . .	1888, Dec. 17th.
Hemel Hempsted . .	1898, May 19th.	Wallsend	1901, Feb. 9th.
Hove	1898, July 18th.	Whitehaven	1894, June 27th.
Leigh (Lancs.) . . .	1899, July 14th.	Widnes	1892, May 9th.
Loughborough . . .	1888, Aug. 10th.	Workington	1888, Aug. 10th.
Mansfield	1891, May 9th.	Worthing	1890, Aug. 15th.
Morecambe	1902, June 11th.		

II.—CHARTERS REFUSED.

Place.	Year.	Place.	Year.
Aston Manor . . .	1889	†Kensington . . .	1897
Aylesbury . . .	1893	Leyton . . .	1899
Brentford . . .	1893	Liversedge . . .	1891, 1898
Castleford . . .	1896	Llandudno . . .	1893
Chiswick . . .	1900	Merthyr Tydfil . . .	1898
Cleckheaton . . .	1898	Shipley . . .	1899
Cleethorpes . . .	1897	Skipton . . .	1891
*Ealing . . .	1893	Stretford . . .	1902
†Garston . . .	1901	Tavistock . . .	1890
Heckmondwike . . .	1891, 1898	†Westminster . . .	1897

* Charter granted in 1901, although refused in 1893.

† This district was included in the city of Liverpool in 1902.

‡ Constituted a metropolitan borough by the London Government Act, 1899.

The following boroughs have been constituted by charter since the date of the Return: Aston Manor, Bromley, Gillingham, and Hornsey in 1903, East Ham in 1904, Merthyr Tydfil and Wimbledon in 1905, Nuneaton in 1907.

PART XV.—CLOCKS (PUBLIC).*

Statutory provisions.—Powers with respect to the provision, maintenance, and lighting, etc., of public clocks are conferred on urban authorities in England and Wales (outside the administrative county of London), that is to say, town councils and urban district councils, by s. 165 of the Public Health Act, 1875, and s. 46 of the Public Health Acts Amendment Act, 1890. These enactments provide as follows :

Section 165 of the PUBLIC HEALTH ACT, 1875—

“Any urban authority may from time to time provide such clocks as they consider necessary, and cause them to be fixed on or against any public building, or, with the consent of the owner or occupier, on or against any private building the situation of which may be convenient for that purpose, and may cause the dials thereof to be lighted at night, and may from time to time alter and remove any such clocks to such other like situation as they may consider expedient.”

Section 46 of the PUBLIC HEALTH ACTS AMENDMENT ACT, 1890—

“Section one hundred and sixty-five of the Public Health Act, 1875, shall be extended so as to enable any urban authority to pay the reasonable cost of the repairing, maintaining, winding up, and lighting any public clock within their district although the same be not vested in them.”

The latter enactment is, however, only in force where the urban authority have adopted Part III. of the Act.

Powers of rural district council.—A rural district council do not possess any statutory powers with respect to the provision and maintenance, etc., of public clocks unless the Local

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. ii. p. 236.

Government Board by an Order under s. 276 of the Public Health Act, 1875, and s. 5 of the Public Health Acts Amendment Act, 1890, invest the council with the powers of an urban authority under s. 165 of the former Act and s. 46 of the latter Act.

An application to the Board for an Order investing a rural district council with the powers referred to should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made:

NOTE.—The resolution should specify the enactment or enactments the powers of which are desired and the contributory place or places affected; and, if the expenses are to be charged as special expenses on the contributory place concerned, it should request that any expenses which may be incurred by the council in the exercise of the powers should be declared to be so chargeable:

- (2) Full particulars of the proposals of the council, including a plan showing the position of the clock in relation to the parish.

Powers of parish council.—It would, presumably, be within the powers of a parish council under paragraphs (i) and (k) of s. 8 (1) of the Local Government Act, 1894, to maintain or contribute towards the expense of maintaining any clock held by them under paragraph (h) of that sub-section for the benefit of the inhabitants of the parish or any part thereof, but, apart from these provisions, a parish council do not appear to possess any statutory powers in relation to public clocks. In cases, therefore, in which it is proposed to provide public clocks in rural parishes out of the rates or to maintain and light, etc., clocks which do not vest in the parish council, it will be necessary that the matter should be taken in hand by the rural district council who must obtain the requisite powers in manner above-mentioned.

Borrowing powers.—The provision of a public clock is a purpose for which an urban authority or a rural authority invested with the necessary powers may borrow under ss. 233 and 234 of the Public Health Act, 1875. The sanction of the Local Government Board is required to the borrowing of money under these enactments.

Period for repayment of loan.—A period of ten years is usually allowed by the Local Government Board for the repayment of loans sanctioned by them for this purpose.

Application for sanction to loan.—An application by an urban or rural authority for the sanction of the Local Government Board to the borrowing of money for the purpose of providing a public clock should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made (*a*) ;
- (2) Full information as to the proposal, including a plan showing where the clock is to be placed (*b*) ; and, if the clock is to be placed in a church tower, it should be stated whether a faculty has been obtained to enable the council to fix and retain the clock with right of ingress and egress ;
- (3) A specification of the clock ;
- (4) A statement showing how the amount proposed to be borrowed is made up ;
- (5) Particulars (in Form K, No. 2) (*c*) as to the assessable value and existing debt of the district ; and
- (6) In the case of an application by a rural district council, a reference to the Order conferring the necessary urban powers.

(*a*) See also "RESOLUTIONS," p. 8.

(*b*) See also "PLANS," p. 6.

(*c*) See also "FORMS," p. 5.

PART XVI.—COMMONS AND OPEN SPACES.*

Statutory provisions.—The chief statutory provisions of the general law conferring powers on local authorities in England and Wales in relation to commons and open spaces are contained in the under-mentioned enactments :

I.—COMMONS.

COMMONS ACT, 1876 (39 & 40 Vict. c. 56).

COMMONS ACT, 1899 (62 & 63 Vict. c. 30).

II.—OPEN SPACES.

OPEN SPACES ACT, 1906, 6 Edw. 7. c. 25.

LOCAL GOVERNMENT ACT, 1894 (56 & 57 Vict. c. 73), s. 8
(1), (d).

Each of the following bodies is a local authority for the purposes of the Open Spaces Act, 1906 :

- (a) The council of any county, of any municipal or metropolitan borough, or of any urban or rural district.
- (b) The common council of the city of London.
- (c) Any parish council invested with the powers of that Act by an order of the council of the county within which the parish is situate.

Borrowing powers.—Local authorities outside London are empowered to borrow money for purposes of commons and open spaces under the following enactments of the general law with the sanction or consent of the Local Government Board :

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. iii. pp. 239—265. "Encyclopædia of Forms and Precedents," vol. vi. pp. 1—136.

Local Authorities.	Enactments ¹ conferring Borrowing Powers.	
1.—COMMONS.		
Town councils . . . } Urban district councils . . } Rural „ „ }	Commons Act, 1899, s. 11 (3), and Public Health Act, 1875, ss. 233, 234.	
2.—OPEN SPACES.		
County councils		Local Government Act, 1888, s. 69 (1). [See Open Spaces Act, 1906, s. 18.]
Town councils . . . } Urban district councils . . } Rural „ „ }	Public Health Act, 1875, ss. 233, 234. [See Open Spaces Act, 1906, s. 18.]	
Parish councils (invested with powers of Open Spaces Acts).		Local Government Act, 1894, s. 12 (1), and Public Health Act, 1875, ss. 233, 234. [See Open Spaces Act, 1906, s. 18.]

Periods for repayment of loans.—The periods usually allowed by the Local Government Board for the repayment of loans sanctioned by them for these purposes would appear to be—

LAND (purchase of freehold). . . .	60 years.
DRAINAGE WORKS	30 „
LAYING OUT, etc. . . .	20 „

The statutory provisions applicable to the borrowing by a county council, for this purpose, however, impose a maximum period of thirty years, and therefore a loan to such a council for the purchase of land must be limited to that period.

Applications for sanction to loans.—Applications for the sanction or consent of the Local Government Board to the borrowing of money for purposes of commons and open spaces should be accompanied by such of the under-mentioned particulars as are applicable:

- (1) A copy of the resolution of the council directing the application to be made (a);
- (2) A map of the district showing by colour the position of the common or open space, and plans of any works proposed to be carried out (b);

(a) See also “RESOLUTIONS,” p. 8.

(b) See also “PLANS,” p. 6.

- (3) A detailed estimate of cost (a) ;
- (4) Information, as regards any land to be purchased, as to whether a provisional agreement for purchase has been entered into ;
- (5) A copy of any scheme which has been approved by the Board of Agriculture and Fisheries for the regulation of the common ;
- (6) If the application is made by a parish council a copy of the order of the county council investing the parish council with the powers of the Open Spaces Act, 1906 ; and
- (7) Particulars as to assessable or rateable value and debt in the appropriate official form (b).

NOTE.—Form K, No. 15, should be used in the case of an application by a county council ; Form K, No. 2, in the case of a town council, urban district council, or rural district council ; and Form K, No. 100, in the case of an application by a parish council.

Byelaws.—The following notes should be read in conjunction with the general instructions given on pp. 200 *et seq.*, as to the manner in which applications should be made to the Local Government Board for their confirmation or allowance of byelaws and regulations :

1. COMMONS.—Sections 1 (1) and 10 of the COMMONS ACT, 1899, enact as follows :

“ 1.—(1) The council of an urban or rural district may make
 “ a scheme for the regulation and management of any common
 “ within their district with a view to the expenditure of money
 “ on the drainage, levelling, and improvement of the common,
 “ and to the making of byelaws and regulations for the pre-
 “ vention of nuisances and the preservation of order on the
 “ common.”

“ 10. The provisions with respect to byelaws contained in
 “ sections one hundred and eighty-two to one hundred and

(a) See also “ ESTIMATES,” p. 4.

(b) See also “ FORMS,” p. 5.

“ eighty-six, both inclusive, of the Public Health Act, 1875, “ and any enactment amending or extending those sections, “ shall apply to all byelaws made in pursuance of a scheme “ under this Part of this Act, and any fine imposed by any such “ byelaw shall be recoverable summarily and be payable to the “ council in whom the management of the common is vested.”

Byelaws under s. 1 (1) are, accordingly, subject to confirmation by the Local Government Board in pursuance of s. 184 of the Public Health Act, 1875.

The Board have not issued a model series of byelaws for use in connection with schemes under the Commons Act, 1899.

When the draft byelaws are forwarded to the Local Government Board for their preliminary approval, a copy of the scheme approved by the Board of Agriculture and Fisheries relating to the common to which the byelaws would apply should also be submitted; and where the district is within the Metropolitan Police District, this fact should be mentioned.

Byelaws for the prevention of nuisances and the preservation of order on commons were made by the following authorities, and confirmed by the Local Government Board in 1906: the town council of Bristol and the urban district council of Portland.

2. OPEN SPACES.—Section 15 (1) of the OPEN SPACES ACT, 1906, provides that:

“ A local authority (a) may, with reference to any open space, “ or burial ground in or over which they have acquired any “ estate, interest, or control under this Act, make byelaws for “ the regulation thereof, and of the days and times of admission “ thereto, and for the preservation of order and prevention of “ nuisances therein, and may by such byelaws impose penalties “ recoverable summarily for the infringement thereof, and “ provide for the removal of any person infringing any byelaw “ by any officer of the local authority or police constable.”

All byelaws made under this section in the case of a

(a) See the definition of “ local authority ” for the purposes of the Act of 1906, *ante*, p. 243.

municipal borough or district or parish council are to be made subject and according to the provisions of ss. 182 to 186 of the Public Health Act, 1875, and these provisions are applied accordingly, except that byelaws made by a parish council need not be under common seal.

In addition to the powers conferred by the Open Spaces Act of 1906, a parish council are empowered by s. 8 (1) (d) of the Local Government Act, 1894, to make byelaws with respect to open spaces and village greens which are for the time being under their control or to the expense of which they have contributed.

The confirmation of the Local Government Board is required to such byelaws made by town, urban district, rural district, or parish councils, but model byelaws have not been issued by the Board. In framing byelaws for this purpose, the model byelaws of the Board as to pleasure grounds should be taken as a guide.

In submitting the draft byelaws to the Local Government Board for their preliminary approval, it should be stated when and under what statutory authority the open space to which the byelaws are intended to apply was acquired by the local authority, or how otherwise it came under their control; and a copy of any conveyance, etc., relating thereto should be forwarded.

Parliamentary papers (a).—The following are some of the more important Parliamentary papers relating to the subject of commons:

ANNUAL REPORTS of the Board of Agriculture and Fisheries.

REPORTS OF SELECT COMMITTEES on reports made by Board of Agriculture and Fisheries certifying the expediency of Provisional Orders for the enclosure or regulation of particular commons.

RETURN of schemes approved by Board of Agriculture and Fisheries for the regulation and management of commons to end of 1901. [*No. 25. 1902. H. L. Price ½d.*]

(a) As to how such papers may be obtained, see Part XLVI., "Parliamentary and other Papers."

RETURN of all inclosure awards or copies of inclosure awards deposited or enrolled with clerks of the peace or of county councils of England and Wales, setting out alphabetically under the head of each county the name of each common affected by an award, the parish or township in which each such common is situated, and stating the date of the Act of Parliament authorising the inclosure and the date of the award.—SIR JOHN BRUNNER. [No. 50. 1904. *Price* 1s. 7d.]

NOTE.—A somewhat similar Return as to awards deposited with Board of Agriculture and Fisheries was prepared in 1893 at the instance of Mr. H. L. W. LAWSON. [No. 455. 1893. *Price* 4d.]

PART XVII.—COMPENSATION FOR LOSS OF OFFICE OR EMOLUMENTS.*

Jurisdiction of Local Government Board.—The Local Government Board are empowered to dissolve unions and to transfer parishes from one union to another by s. 32 of the Poor Law Amendment Act, 1834 (4 & 5 Will. 4. c. 76), s. 4 of the Poor Law Amendment Act, 1868 (31 & 32 Vict. c. 122), and s. 11 of the Divided Parishes and Poor Law Amendment Act, 1876 (39 & 40 Vict. c. 61). The Board are also empowered to award compensation to persons who, by reason of such dissolution or transfer, suffer loss of office or emoluments by s. 20 of the Poor Law Amendment Act, 1867 (30 & 31 Vict. c. 106), as extended by s. 15 of the Poor Law Amendment Act, 1868; and s. 7 of the Divided Parishes and Poor Law Amendment Act, 1876, enables the Board to award compensation to persons deprived of office, or employment, or emoluments by reason of any parochial changes or dissolution of a union effected under that Act.

In the metropolis the Local Government Board are empowered by s. 59 of the Metropolitan Poor Act, 1867 (30 & 31 Vict. c. 6), to award compensation to any medical or other workhouse officer whose contract may be determined or varied by the Board in pursuance of that section as extended by s. 41 of the Divided Parishes and Poor Law Amendment Act, 1876. Section 18 of the Metropolitan Poor Law Amendment Act, 1869 (32 & 33 Vict. c. 63), provides that the compensation payable in consequence of the dissolution or other alteration of a metropolitan union, or of the dissolution of any asylum or school district contained wholly or partly in the metropolis, shall be repaid out of the metropolitan common poor fund to the guardians by whom the compensation is payable.

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition.

Section 1 of the Metropolitan Poor Amendment Act, 1869, provided for the compensation of the officers and other persons employed in any asylum or school district contained wholly or partly in the metropolis which might be dissolved under that section, and by s. 1 of the Poor Law (Dissolution of School Districts and Adjustments) Act, 1903 (3 Edw. 7. c. 19), the provisions of s. 1 of the Act of 1869 are extended to school districts no part of which are in the metropolis.

Section 21 of the Registration of Births and Deaths Act, 1874 (37 & 38 Vict. c. 88), enables the Board to award compensation to any superintendent registrar or registrar deprived of his office or part of his emolument by an alteration in his district effected in pursuance of that section.

Apart from these provisions, the Local Government Board are occasionally empowered by local Acts to determine the amount of compensation (if any) payable to officers and servants of local authorities in connection with loss of office or emoluments by reason of the passing of such Acts, in cases in which the local authority and the claimant fail to agree.

Appeals under the following enactments, where the claimant is aggrieved by the refusal of the local authority to grant compensation or by the amount of compensation assessed or where members of the authority subscribe a protest against the amount of compensation as being excessive lie to the Treasury and not to the Local Government Board :

LOCAL GOVERNMENT ACT, 1888, s. 120.

LOCAL GOVERNMENT ACT, 1894, s. 81 (7).

LONDON GOVERNMENT ACT, 1899, s. 30.

EDUCATION ACT, 1902, para. (21) of Second Schedule.

The Local Government Board have power under s. 2 of the London (Existing Officers) Scheme, 1900, made in pursuance of the London Government Act, 1899, to determine in certain cases, *where doubt arises*, the authority to which application should be made for compensation and the fund out of which the compensation (if any) is to be paid.

Applications to Local Government Board.—An application to the Local Government Board to determine the amount of compensation (if any) payable to an officer or servant of a local authority for loss of office or emoluments should state under what circumstances such loss was sustained and should give the following information :

- (a) Nature of office or employment concerned.
- (b) Date of birth.
- (c) Date of appointment.
- (d) Date of abolition of office or from which alleged pecuniary loss has been suffered.
- (e) A statement showing the emoluments received during each of the five years preceding the date mentioned in (d), and those (if any) since received. The statement should distinguish the offices in respect of which the emoluments were received, if more than one office is affected. If this statement does not clearly show how the estimated pecuniary loss is arrived at, a further statement giving this information should be furnished.

An application to the Board under s. 2 of the London (Existing Officers) Scheme, 1900, to determine the authority to which application should be made for compensation or the fund out of which the compensation (if any) should be paid, should state definitely that doubt has arisen as to the authority or fund (as the case may be), and should set out concisely the facts in relation thereto. It would seem desirable, where the application has reference to the authority to which the claim for compensation should be made, that it should be concurred in by each authority affected.

Principles and scale adopted in determining compensation.
—The following question and reply in Parliament indicate the practice of the Local Government Board in respect to these matters :

[*House of Commons*, May 18th, 1903.]

Sir Thomas Roe,—To ask the President of the Local Government Board, if he will state the principles and

scale adopted by the Board in determining the amount of compensation on an appeal to them where the Local Government Act, 1888, section 120, applies, in respect of abolition of office or diminution or loss of fees or salary.

Mr. Long.—In determining the amount of the compensation in cases of the kind referred to in the question it is the practice of the Local Government Board to award as many sixtieths of the annual emoluments of which the officer has been deprived as he has served years, together with a special addition varying, according to the length of his service, from one-sixtieth to ten-sixtieths of those emoluments.

Parliamentary papers (a).—The following Return was made by the Treasury to an Order of the House of Commons, dated March 28th, 1892 :

RETURN “of all appeals to the Lords Commissioners of her Majesty’s Treasury under the compensation clauses of ‘the Local Government Act, 1888,’ in consequence of county councils having refused (a) to grant, (b) to assess the amount of compensation (as in the case of the Treasurer of Middlesex) to transferred and other officers who have suffered loss by the operation of the Act, giving in such return—

- “(1) the annual amount of alleged loss and length of service ;
- “(2) the amounts of compensation asked ;
- “(3) the result of the appeals ;
- “(4) the reasons for the grants or the refusals.”—

Mr. DIXON - HARTLAND. [No. 241. 1892.
Price ½d.]

(a) As to how such papers may be obtained, see Part XLVI., “Parliamentary and other Papers.”

PART XVIII.—CONVENIENCES (PUBLIC) AND LAVATORIES.*

Statutory provisions.—I. **URBAN AUTHORITIES (OUTSIDE LONDON).**—Powers in relation to the provision, maintenance, and management, etc., of public conveniences are conferred on urban authorities in England and Wales (outside the administrative county of London), by s. 39 of the Public Health Act, 1875; s. 20 of the Public Health Acts Amendment Act, 1890, where the council have adopted Part III. of that Act; and s. 47 of the Public Health Acts Amendment Act, 1907, where that section has been declared in force by an Order of the Local Government Board.

Under s. 39 of the PUBLIC HEALTH ACT, 1875, any urban authority may provide and maintain, in proper and convenient situations, urinals, water-closets, earth-closets, privies, and ashpits, and other similar conveniences for public accommodation; s. 20 of the PUBLIC HEALTH ACTS AMENDMENT ACT, 1890, enables an urban authority, where they provide and maintain for public accommodation any sanitary conveniences as defined by s. 11 (3), to make regulations with respect to the management thereof and to make byelaws as to the decent conduct of persons using the same; and s. 47 of the Act of 1907 empowers any such authority to provide and maintain in proper and convenient situations, in or under any street repairable by the inhabitants at large, sanitary conveniences and lavatories, and to employ and pay attendants, and make reasonable charges for the use of any sanitary conveniences (other than a urinal), and of any lavatory so provided. It also gives them power to make byelaws for the management of such conveniences and lavatories, and as to the conduct of persons frequenting the same.

II. **ADMINISTRATIVE COUNTY OF LONDON.**—Section 44 of the PUBLIC HEALTH (LONDON) ACT, 1891, enables every sanitary authority to provide and maintain public lavatories and ashpits and public sanitary conveniences other than privies, and to supply such lavatories and sanitary conveniences with water, and

* **BIBLIOGRAPHY.**—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. v. pp. 293—298. "Encyclopædia of Forms and Precedents," vol. x. pp. 502, 600—603.

provides that for the purpose of such provision the sub-soil of any road, exclusive of the footway adjoining any building or the curtilage of a building, shall be vested in the sanitary authority.

Section 45 of the same Act enacts that where a sanitary authority provide and maintain any public lavatories, ashpits, or sanitary conveniences, such authority may make regulations with respect to the management thereof, and byelaws as to the decent conduct of persons using the same.

The powers conferred by ss. 44 and 45 of the Act of 1891 are now vested in the Common Council of the City of London and the metropolitan borough councils. See the definition of "sanitary authority" in s. 99 of the Act, ss. 5 and 7 of the City of London Sewers Act, 1897, and s. 4 of the London Government Act, 1899.

Powers of rural district council.—A rural district council do not possess powers in regard to the provision, etc., of public conveniences, but the Local Government Board may by an Order under s. 276 of the Public Health Act, 1875, and s. 5 of the Public Health Acts Amendment Act, 1890, invest such council with the powers of an urban authority under s. 39 of the former Act and s. 20 of the latter Act (which cannot be adopted by a rural authority under s. 3 of the Act), or they may by an Order under s. 3 of the Public Health Acts Amendment Act, 1907, declare s. 47 of that Act, which applies to a rural district council, to be in force. The effect of the last-mentioned enactment has already been explained.

It will be observed that s. 20 (1) of the Act of 1890 is only applicable where the authority have provided and maintain public sanitary conveniences and that, consequently, the powers of this section would be of no use as regards any contributory place in respect of which the rural district council did not possess the powers of s. 39 of the Act of 1875. An application by a rural district council for the powers of s. 20 of the Act of 1890 should accordingly be limited to contributory places in which such conveniences have been or are intended to be provided under s. 39 of the Act of 1875; and the application should extend to the last-mentioned enactment, if it is not already in force.

In connection with an application for the powers of s. 39 of the Public Health Act, 1875, it should be stated with respect to each contributory place for which the powers are desired—

(a) what works are contemplated under the section;

- (b) whether the rural district council are in possession of or can obtain convenient sites ; and
- (c) whether, as regards any proposed urinals or water-closets, facilities exist for drainage and a proper supply of water for flushing purposes.

The above remarks should be read in conjunction with the general instructions as to applications for urban powers given in Part LXVI., "Urban Powers."

Borrowing powers.—I. URBAN AUTHORITIES (OUTSIDE LONDON) AND RURAL DISTRICT COUNCILS.—Power to borrow money for the purposes of s. 39 of the Public Health Act, 1875, is conferred by ss. 233 and 234 of that Act, which require the sanction of the Local Government Board to be obtained to the borrowing.

II. METROPOLITAN BOROUGH COUNCILS.—These councils are empowered to borrow, with the consent of the Local Government Board, for the purpose of providing sanitary conveniences, lavatories, and ash-pits by s. 105 (2) (a) of the Public Health (London) Act, 1891, as amended by s. 4 (1) of the London Government Act, 1899.

Periods for repayment of loans.—It is stated in the Report of the Select Committee on Repayment of Loans by Local Authorities (1902) that the terms usually allowed by the Local Government Board for the repayment of loans sanctioned by them for conveniences are as follows :

UNDERGROUND OR BRICK STRUCTURES	. 30 years.
IRON OR OTHER URINALS	. . . 10—20 years.

Applications for sanction to loans.—I. URBAN AUTHORITIES (OUTSIDE LONDON) AND RURAL DISTRICT COUNCILS.—An application by a town council or urban district council proceeding under the Public Health Act, 1875, or by a rural district council who have been invested with the powers of s. 39 of that Act, to the Local Government Board for sanction to borrow money for the purpose of providing public conveniences should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made (a) ; and if the application is that of a rural district council, a reference should be given to the date of the Order conferring upon them the powers of s. 39 of the Act of 1875. In any case in which an urban or rural authority are proposing to proceed under s. 47 of the Public Health Acts Amendment Act, 1907, the date of any Order declaring that section to be in force should be stated.

- (2) Plans and Sections of the intended works (b) ;

NOTE.—These should include a map of the district showing by distinctive colours (a) the proposed site and (b) the sites of any existing public conveniences, a block plan showing the contemplated drainage arrangements in detail and the levels of the proposed drain and existing sewer, detailed plans of the roof, etc. *The plans should be fully dimensioned.*

- (3) A detailed estimate of the cost of the scheme (c) ;
- (4) A short description of the proposed works ;
- (5) Information as to whether a provisional agreement has been entered into for the acquisition of the site. If, however, the site already vests in the council, it should be stated when, under what statutory authority, and for what purpose the land was acquired. If the land was purchased by means of a loan, particulars as to the loan should be supplied ; and
- (6) Particulars (in Form K, No. 2 (d)) as to the assessable value and existing debt of the district.

In the case of underground conveniences, the following additional information should be furnished :

- (7) Detailed calculations as to the strength of the roof ; including a statement of the dead and live loads which the roof will safely carry ;
- (8) It should be stated whether the council possess full powers over the site, and, if not, what steps they have taken to obtain from the owner such rights or power

(a) See also "RESOLUTIONS," p. 8.

(b) See also "PLANS," p. 6.

(c) See also "ESTIMATES," p. 4.

(d) See also "FORMS," p. 5.

of control over the soil as would enable them to construct the proposed works. In this connection, attention is drawn to the case of the *Corporation of Tunbridge Wells v. Baird*, [1896] A. C. 434; 65 L. J. Q. B. 451; 74 L. T. 385; 60 J. P. 788; 12 T. L. R. 372, and to the provisions of s. 47 of the Act of 1907.

II. METROPOLITAN BOROUGH COUNCILS.—An application by a metropolitan borough council for the consent of the Local Government Board to a loan for such a purpose should be accompanied by similar particulars to those already indicated as being required in the case of an application by an urban authority (outside London), except that the information mentioned in (8) will not be necessary having regard to the provisions of s. 44 (2) of the Public Health (London) Act, 1891, and that, instead of (6), a return (in tabular form) should be furnished showing the rateable value of the borough, the several loans contracted by the borough council and their predecessors and not yet wholly repaid, the precise purpose of each loan, the period allowed for repayment, the date of borrowing of each loan or each instalment of a loan (where the loan has been raised by instalments), the particular method of repayment, and the total amount already repaid or set aside for the discharge of each loan (a).

Byelaws.—The following remarks should be read in conjunction with the general instructions given in Part XIII., “Bye-laws and Regulations” as to the manner in which applications should be made to the Local Government Board for the confirmation or allowance of byelaws and regulations :

It will be seen from the foregoing summary of statutory provisions that an urban authority who have adopted Part III. of the Act of 1890, and a rural district council who have been invested with the powers of s. 39 of the Act of 1875 and s. 20 of the Act of 1890, and have provided and maintain sanitary conveniences, and, in the county of London, the Common Council of the city or a metropolitan borough council who have provided and maintain a public lavatory, ashpit, or

(a) A form is not provided for this purpose by the Local Government Board, but Form K, No. 2, could be adapted.

sanitary conveniences may make byelaws as to the decent conduct of persons using the same.

Further, urban and rural authorities who have obtained the powers of s. 47 of the Act of 1907 may make byelaws for the management of the sanitary conveniences and lavatories provided by them and as to the conduct of persons frequenting the same.

Any byelaws under these enactments require confirmation by the Local Government Board, by virtue of s. 9 of the Act of 1890, s. 9 of the Act of 1907, and s. 114 of the Act of 1891, which apply the provisions of ss. 182—186 of the Public Health Act, 1875.

The Board have not issued model byelaws on this subject, but Messrs. Shaw and Sons, Fetter Lane, London, E.C., have published a model series which will be of assistance in framing such byelaws.

When forwarding to the Local Government Board for their preliminary approval the draft byelaws proposed to be made by a local authority (outside the administrative county of London), it should be stated on what date Part III. of the Act of 1890 came into force, or a reference should be given to the date of the Order declaring s. 47 of the Act of 1907 to be in force.

PART XIX.—DEFAULT OF LOCAL AUTHORITY.*

COMPLAINTS TO LOCAL GOVERNMENT BOARD OF FAILURE OF LOCAL AUTHORITIES TO CARRY OUT THEIR STATUTORY DUTIES, ETC.

I.—THE PUBLIC HEALTH ACT, 1875.

1. **Statutory provisions.**—Sections 299—302 of this Act deal with the power of Board to enforce performance of duty by defaulting local authority.

Section 299 is as follows: "Where complaint is made to the Local Government Board that a local authority has made default in providing their district with sufficient sewers, or in the maintenance of existing sewers, or in providing their district with a supply of water, in cases where danger arises to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply of water, and a proper supply can be got at a reasonable cost, or that a local authority has made default in enforcing any provisions of this Act which it is their duty to enforce, the Local Government Board, if satisfied, after due inquiry, that the authority has been guilty of the alleged default, shall make an order limiting a time for the performance of their duty in the matter of such complaint. If such duty is not performed by the time limited in the order, such order may be enforced by writ of mandamus, or the Local Government Board may appoint some person to perform such duty, and shall by order direct that the expenses of performing the same, together with a reasonable remuneration to the person

* **BIBLIOGRAPHY.**—Lumley's "Public Health," latest edition. "Encyclopedia of Local Government Law," vol. ii. p. 429; vol. iv. pp. 643 *et seq.*

“appointed for superintending such performance, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the authority in default; and any order made for the payment of such expenses and costs may be removed into the Court of Queen’s Bench, and be enforced in the same manner as if the same were an order of such court.

“Any person appointed under this section to perform the duty of a defaulting local authority shall, in the performance and for the purposes of such duty, be invested with all the powers of such authority other than (save as hereinafter provided) the powers of levying rates; and the Local Government Board may from time to time by order change any person so appointed.”

Sections 300—302 made further provision for the recovery of the expenses of performing the duty of a defaulting authority, for enabling the Board to borrow to defray the expenses, and for the recovery of principal and interest in respect of any loan so raised.

2. How complaint under s. 299 should be made.—No form has been prepared by the Local Government Board for the making of a complaint under this section; but the complaint should definitely allege that the local authority (the name of which should be given) have made default in the particular matter in question (in this respect, following as closely as possible the language of the section), and it should clearly set out the facts relied upon to establish the default.

Where the alleged default has reference to water supply, evidence should be furnished—

- (i) That danger arises to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply of water; and
- (ii) That a proper supply can be got at a reasonable cost. In this connection, it would seem necessary to show—
 - (a) That the source of supply suggested is one which the local authority have or can obtain power under the Public Health Acts to use; and

- (b) That this source would be likely to afford a permanent supply sufficient in quantity for the requirements of the area to be supplied.

3. Views and practice of Local Government Board.—The Local Government Board have expressed the opinion that s. 299 does not apply to the failure of a local authority to provide adequately for the disposal of the sewage of their district, nor to the failure to provide sewerage or a supply of water to one or two houses only, and, further, that the provision in the section as to a local authority having made default in enforcing any provisions of the Act which it is their duty to enforce, does not apply to duties which the local authority ought themselves to perform, but to those which the local authority ought to require others to perform.

The following paragraph which appears in the 28th Annual Report of the Board (1898—99, p. cxx.) deals with the question of the application of the section to the failure of a local authority to provide sewers of sufficient capacity to receive trade refuse :

“We also received a complaint from Saddleworth. This case raised a very important question. A firm of millowners alleged that the rural district council were in default in providing sewers. We caused a local inquiry to be held by one of our inspectors with regard to the complaint, and we found that the sewers, though large enough for the conveyance of ordinary domestic sewage, were not of sufficient capacity for the reception of trade refuse. We took the opinion of the law officers of the Crown on the case, and they advised that the district council, under the circumstances, had not made default within the meaning of the Act.”

The annual reports of the Local Government Board show that, in cases of sewerage and water supply in which default is established to the satisfaction of the Board, it is their usual practice, before issuing an order under the section, to allow the local authority a reasonable time for the preparation of a satisfactory scheme. In this connection the following extract

from the 8th Annual Report of the Local Government Board (1878—79) is of interest :

“ Proceedings were taken against us during the year in the
 “ Queen’s Bench Division of the High Court of Justice by the
 “ Guardians of the Bolton Union with the object of obtaining
 “ a *mandamus* to compel us to make an order under the last-
 “ mentioned section [*i.e.* s. 299] of the Public Health Act, 1875,
 “ limiting a time for the carrying out by the Farnworth Local
 “ Board of certain works that were necessary for the purpose
 “ of disposing of the sewage of a portion of their district in
 “ which the Bolton Workhouse and some other houses were
 “ situate.

“ In this instance, we did not think that we could properly
 “ issue the order asked for, as the local board gave us an
 “ assurance that they would commence, proceed with, and
 “ complete the works required with all practicable despatch.
 “ We, accordingly, on January 5th, 1878, informed the
 “ guardians to this effect, but they, being dissatisfied with
 “ our decision, commenced proceedings against us and obtained
 “ a rule *nisi* calling on us to show cause why the *mandamus*
 “ should not issue. On March 4th following, the rule was
 “ discharged with costs, the court being of opinion that there
 “ were no grounds for their intervention in the matter, and
 “ that no obligation had been imposed on us by the legislature
 “ to make the order asked for until we had been satisfied of
 “ the culpable neglect of the local board in the performance of
 “ their duties.”

It is the practice of the Local Government Board, in cases in which it is necessary to enforce their orders under the section, to take proceedings in the High Court for a *mandamus*. The Board’s annual reports do not disclose any instance in recent years in which they have exercised the option vested in them by the section of appointing some person to perform the duty of the local authority.

4. Orders issued by Local Government Board.—The following statements give particulars as to the cases in which the Local Government Board had, prior to December 31st, 1906, issued orders under s. 299 of the Public Health Act, 1875, or like provisions, limiting a time for the performance of their

duty by the local authority. The annual reports of the Board show that, though default was established in several cases, the Board did not find it necessary to issue any order under the section referred to during the years 1901—1904 :

I.—BOROUGHES.

Name.	Year in which Order was issued.	Subject.
Chichester (City)	1892	Sewers.
Honiton	1873	Water supply.
*Lincoln (City)	1875	Sewers.
Newbury	1891	Sewers.
Pembroke	1894	Sewers.
Rochester (City)	1891	Sewers.
†Worcester (City)	1891	Sewage disposal.

* The Order in this case was made under s. 49 of the Sanitary Act, 1866. It is stated in the Annual Report of the Local Government Board for 1875 that this was the first case of the kind since the passing of the Sanitary Law Amendment Act, 1874, which, for the first time, gave the Board the option of invoking the aid of the court to enforce obedience to the Order instead of appointing a person to carry out the necessary work at the cost of the district.

† The Order in this case was issued under the provisions of a local Act, viz. s. 108 of the Worcester Extension Act, 1885.

II.—URBAN DISTRICTS (OTHER THAN BOROUGHES).

Name.	Year in which Order was issued.	Subject.
Amphill	1896	Water supply.
Bradford-on-Avon	1898	Sewers.
Cheshunt	1882	Sewers.
Ely	1882	Water supply.
Havant	1899	Sewers.
Hendon	1893	Sewers.
*Idle	1890	Sewers.
Newquay (Cornwall)	1882	Sewers.
Staines	1891	Sewers.
Stevenage	1892	Sewers.
Sutton (Surrey)	1888	Sewers.

* This urban district has since been included in the city of Bradford (Yorks).

III.—RURAL DISTRICTS.

Name of Rural District.	Contributory Place concerned.	Year in which Order was issued.	Subject.
Bridge	*Thanington	1887	Sewers.
Brixworth	Holcot	1898	Sewers.
Cosford	Hitcham	1898	Water supply.
Dunmow	Felstead	1905	Water supply.
Eastbourne	Pevensay and Westham	1906	Sewers.
Eaton Bray	Eaton Bray	1900	Sewers.
Epsom	Cheam and Cuddington	1893	Sewers.
Guildford	Shere	1894	Sewers.
Havant	Bedhampton	1899	Sewers.
Pembroke	Penally	1892	Sewers.
Romford	Great Warley	1894	Sewers.
Rye	Icklesham	1906	Sewers.
Staines	†Sunbury	1891	Sewers.
Stratton	†Stratton	1898	Water supply.
Teesdale	Startforth	1893	Sewers.
Truro	St. Agnes	1893	Sewers.
Wetherby	Wetherby	1891	Sewers.

* The area in respect of which the Order was made has since been included in the city of Canterbury.

† Since constituted or included in urban districts.

II. THE LOCAL GOVERNMENT ACT, 1888.

Representation of county council under s. 19 (2).—This enactment provides that:

“If it appears to the county council from any such report (a) “that the Public Health Act, 1875, has not been properly put “in force within the district to which the report relates, or that “any other matter affecting the public health of the district “requires to be remedied, the council may cause a representation to be made to the Local Government Board on the “matter.”

A representation under this enactment should set out the facts on which it is based, and should state whether the county council have caused inquiry to be made in the matter, and, if so, with what result. A copy of any report made to the county council on the subject, together with a copy of the report of the medical officer of health, should accompany the representation.

If the representation is intended as a complaint of default

(a) That is, the report of the medical officer of health for the district.

under s. 299 of the Public Health Act, 1875, it should embody a formal complaint in the terms of that section, and the information required to be furnished to the Local Government Board in connection with such a complaint should also be forwarded.

III. THE PUBLIC HEALTH (LONDON) ACT, 1891.

1. Complaint by London County Council under s. 101.—

Sub-section (1) of this section enacts as follows:

“(1) Where complaint is made by the county council to the “Local Government Board that a sanitary authority have “made default in executing or enforcing any provisions which “it is their duty to execute or enforce of this Act, or of any “byelaw made in pursuance thereof, the Local Government “Board, if satisfied after due inquiry that the authority have “been guilty of the alleged default, and that the complaint “cannot be remedied under the other provisions of this Act, “shall make an order limiting a time for the performance of “the duty of such authority in the matter of such complaint. “If such duty is not performed by the time limited in the “order, the order may be enforced by writ of mandamus, or “the Local Government Board may appoint the county council “to perform such duty.”

Sub-sections (2)—(6) provide the necessary machinery to enable the county council to perform the duty of the defaulting authority, and to obtain the sums required for their expenses in so doing.

It will be observed that, under this enactment, complaint may only be made by the London County Council, and that the Local Government Board can only issue an order limiting a time for the performance of the duty of the authority in the matter of the complaint when they are satisfied, after due inquiry, not only that the authority have been guilty of the alleged default, *but that the complaint cannot be remedied under the other provisions of the Act.*

The metropolitan borough councils are the sanitary authorities to whom this section applies; defaults of the common

council of the city of London as successors to the commissioners of sewers being provided for in s. 135 of the Act of 1891, as hereinafter mentioned.

A complaint by the London County Council under this section should contain a statement to the effect that the county council are advised that the complaint cannot be remedied under other provisions of the Act, and should be accompanied by—

- (1) A copy of a resolution of the county council making formal complaint;
- (2) A detailed statement of the particular cases upon which the county council rely in support of their complaint, with a precise reference to the statutory provisions or byelaws which the sanitary authority are alleged to have neglected to execute or enforce in each case; and
- (3) A copy of any report which may have been made to the county council in the matter.

2. Complaint under s. 135.—Sub-section (1) of this section provides as follows:

“(1) Where complaint is made to the Local Government Board that the [*commissioners of sewers*] (a) have made default in executing or enforcing any provisions of this Act, the Local Government Board, if satisfied, after due inquiry, that those commissioners have been guilty of the alleged default, shall make an order limiting a time for the performance of their duty in the matter of such complaint. If the duty is not performed by the time limited in the order, the order may be enforced by writ of mandamus, or the Local Government Board may appoint some person to perform the duty, and shall by order direct that the expense of performing the same, together with a reasonable remuneration to the person appointed for superintending the performance, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the [*commissioners of sewers*] (a), and any order made for the payment of such

(a) Now the *common council of the city of London*. See ss. 5, 7, of the City of London Sewers Act, 1897.

“expenses and costs may be removed into the High Court, and
“enforced as an order of that court.

Sub-sections (2) to (9) of s. 135 contain provisions corresponding with those contained in the last paragraph of s. 299 and in ss. 300 and 302 of the Public Health Act, 1875.

It will be seen that this section only relates to the city of London, that it does not specify the persons or body to make the complaint as is the case under s. 101 of the Act of 1891, and that there is no requirement that the Local Government Board shall be satisfied, before issuing an Order, that the complaint cannot be remedied under other provisions of the Act. It will also be noticed that whereas, under s. 101, the Local Government Board have the option of enforcing their Order by *mandamus*, or of appointing the London County Council to perform the duty, s. 135 enables them either to proceed by *mandamus* or to appoint “some person” to perform the duty.

A complaint under this section should be on foolscap paper and should definitely allege that the common council of the city of London have made default in executing or enforcing the particular provision of the Act affecting the matter which should be specified. It should also clearly set out the facts relied upon to establish the default.

So far as can be ascertained from an examination of the annual reports of the Local Government Board, there had not been up to December 31st, 1906, any case in which an Order had been made by the Board, either under s. 101 or s. 135 of the Act.

PART XX.—DISINFECTING BUILDINGS AND APPARATUS.*

Statutory provisions.—1. DISTRICTS OUTSIDE LONDON.—Section 122 of the PUBLIC HEALTH ACT, 1875, enacts as follows:

“Any local authority may provide a proper place, with all necessary apparatus and attendance, for the disinfection of bedding clothing or other articles which have become infected, and may cause any articles brought for disinfection to be disinfected free of charge.”

As to the meaning of the expression “local authority,” see ss. 4 and 244 of the Act, and s. 21 of the Local Government Act, 1894.

II. ADMINISTRATIVE COUNTY OF LONDON.—Section 59 of the PUBLIC HEALTH (LONDON) ACT, 1891, is in the following terms:

“(1) Every sanitary authority shall provide, either within or without their district, proper premises with all necessary apparatus and attendance for the destruction and for the disinfection, and carriages or vessels for the removal, of articles (whether bedding, clothing, or other) which have become infected by any dangerous infectious disease, and may provide the same for the destruction, disinfection, and removal of such articles when infected by any other disease; and shall cause any such articles brought for destruction or disinfection, whether alleged to be infected by any dangerous infectious disease or by any other disease, to be destroyed or to be disinfected and returned, and may remove, and may destroy, or disinfect and return, such articles free of charge.

“(2) Any sanitary authorities may execute their duty under this section by combining for the purposes thereof, or by

* BIBLIOGRAPHY.—Lumley's “Public Health,” latest edition. “Encyclopædia of Local Government Law,” vol. ii. pp. 454 *et seq.* “Encyclopædia of Forms and Precedents,” vol. x. pp. 392—462.

“contracting for the use by one of the contracting authorities
 “of any premises provided for the purpose of this section by
 “another of such contracting authorities, and may so combine
 “or contract upon such terms as may be agreed upon.”

The expression “sanitary authority,” as used in this enactment, includes the common council of the city of London and the metropolitan borough councils. See s. 99 of the Act, ss. 5, 7 of the City of London Sewers Act, 1897, and s. 4 of the London Government Act, 1899.

Borrowing powers.—I. LOCAL AUTHORITIES (OUTSIDE LONDON).—Power to borrow money for the purposes of s. 122 of the Public Health Act, 1875, is conferred by ss. 233, 234 of that Act, which (*inter alia*) require the sanction of the Local Government Board to be obtained to the borrowing.

II. METROPOLITAN BOROUGH COUNCILS.—These councils are empowered to borrow, with the consent of the Local Government Board, for the purpose of providing premises, apparatus, carriages and vessels for the disinfection, destruction, and removal of infected articles by s. 105 (2) (b) of the Public Health (London) Act, 1891, as amended by s. 4 (1) of the London Government Act, 1899.

Periods for repayment of loans.—The periods usually allowed by the Local Government Board for the repayment of loans for these purposes are as follows:

BUILDINGS	.	.	:	.	.	.	30 years.
APPARATUS	.	.	.	.	.	.	10 „

Loans authorised by Local Government Board.—Numerous loans have been sanctioned by the Local Government Board for the provision of premises or apparatus for disinfecting purposes; and it may be sufficient to mention that, during the three years ended December 31st, 1906, the Board authorised the borrowing of money for these purposes by the under-mentioned local authorities:

METROPOLITAN BOROUGH COUNCILS.

Battersea.

Wandsworth.

TOWN COUNCILS.

Bradford.	Luton.	Stoke-upon-
Grantham.	Mansfield.	Trent.
Leigh.	New Windsor.	Torquay.

URBAN DISTRICT COUNCILS.

Beckenham.	Edmonton.	Penge.
East Stonehouse	Sevenshulme.	Tyldersley-with-
Ebbw Vale.	Lytham.	Shakerley.

Applications to Local Government Board for sanction to loans.—I. LOCAL AUTHORITIES (OUTSIDE LONDON).—An application by a local authority to the Local Government Board for sanction to borrow money for these purposes should be accompanied by :

- (1) A copy of a resolution of the council directing the application to be made (*a*).
- (2) Plans, sections, and elevations of the proposed building and a plan of the site showing the houses and lands in its vicinity (*b*).

NOTE.—The Local Government Board state in their memorandum on the provision of isolation hospital accommodation by local authorities, that every building which is to contain infected persons or things should be *at least* forty feet from the boundary of the site.

- (3) A description and drawing of the apparatus to be provided, with information as to the name of the maker.
- (4) A detailed estimate of cost (*c*).
- (5) Information as to whether a provisional agreement has been entered into for the acquisition of the site. If, however, the site already vests in the council, it should be stated when, under what statutory authority, and for what purpose the land was acquired. If it was purchased by means of a loan, particulars as to the loan should be supplied ; and

(*a*) See also "RESOLUTIONS," p. 8.

(*b*) See also "PLANS," p. 6.

(*c*) See also "ESTIMATES," p. 4.

- (6) Particulars (in Form K, No. 2) (a) as to the assessable value and existing debt of the district.

II. METROPOLITAN BOROUGH COUNCILS.—An application by a metropolitan borough council for the consent of the Local Government Board to a loan for such purposes should be accompanied by similar particulars to those already indicated under the head of "LOCAL AUTHORITIES (OUTSIDE LONDON)" except that, instead of (6) a return (in tabular form) should be furnished showing the rateable value of the borough, the several loans contracted by the borough council and their predecessors and not yet wholly repaid, the precise purpose of each loan, the period allowed for repayment, the date of borrowing of each loan or each instalment of a loan (where the loan has been raised by instalments), the particular method of repayment, and the total amount already repaid or set aside for the discharge of each loan (b).

(a) See also "FORMS," p. 5.

(b) A form for this purpose is not supplied by the Local Government Board, but Form K, No. 2, can be adapted.

PART XXI.—EDUCATION.*

Local education authorities.—By the Education Act, 1902 (2 Edw. 7, c. 42), and the Education (London) Act, 1903 (3 Edw. 7. c. 24), local education authorities were established for both elementary and higher education, and school boards and school attendance committees were abolished. The local education authorities for elementary education are :

County councils.

Councils of county boroughs.

Councils of boroughs with a population at the census of 1901 of over 10,000.

Councils of urban districts with a population at that census of over 20,000.

Council of the Isles of Scilly.

The council of any non-county borough or urban district may, however, by agreement with the council of the county and with the approval of the Board of Education, relinquish in favour of the council of the county any of their powers and duties under the Act (s. 20 (b) of the Act of 1902).

The local education authorities for the purposes of higher education are :

County councils (including the London County Council).

Councils of county boroughs.

Council of the Isles of Scilly.

The councils of non-county boroughs and urban districts are empowered by s. 3 of the Act of 1902 to expend money in supplying or aiding the supply of education other than elementary, with the proviso that the amount raised by them in any year out of rates shall not exceed the amount which would be produced by a rate of one penny in the pound.

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. vi. pp. 173—263. "Encyclopædia of Forms and Precedents": heading, "Schools." "Organ's Education Law," "Barlow and Macan's Education Act, 1902."

POWERS OF LOCAL EDUCATION AUTHORITIES.

I. HIGHER EDUCATION.

The local education authorities for the purposes of Part II. of the Education Act, 1902, which relates to higher education, are required by s. 2 (1) of the Act of 1902 to consider the educational needs of their area and to take such steps as seem to them desirable, after consultation with the Board of Education, to supply or aid the supply of education other than elementary and to promote the general co-ordination of all forms of education.

Section 2 (2) of the Act of 1902 enacts that, in exercising their powers under Part II. of the Act, a council shall have regard to any existing supply of efficient schools or colleges and to any steps already taken for the purposes of higher education under the Technical Instruction Acts, 1889 and 1891. The latter Acts were repealed by s. 25 of the Act.

II. ELEMENTARY EDUCATION.

The local education authorities for the purposes of Part III. of the Act of 1902, which relates to elementary education, have, throughout their area, the powers and duties of a school board and school attendance committee under the Elementary Education Acts, 1870 to 1900, and any other Acts including local Acts, and they are responsible for, and have the control of, all secular instruction in public elementary schools not provided by them (s. 5 of the Act of 1902). They are required to maintain and keep efficient all public elementary schools within their area which are necessary, and have the control of all expenditure for that purpose other than expenditure for which, under the Act, provision is to be made by the managers; but, in the case of a school not provided by them, only so long as certain conditions and provisions are complied with (s. 7 of the Act of 1902).

Limitation of rate for higher education.—The proviso to s. 2 (1) of the Education Act, 1902, enacts that a county

council shall not raise for the purpose of higher education in any year out of rates under that Act an amount exceeding that which would be produced by a rate of twopence in the pound, unless the Local Government Board consent to the fixing of a higher rate. As already stated, the amount which may be raised by the council of a non-county borough or urban district in any year for this purpose is not to exceed the amount which would be produced by a rate of one penny in the pound. The year referred to, in each case, is apparently the local financial year ending on March 31st.

It should be noted that the Act of 1902 places no restriction on the amount which may be raised by rates for the purposes of higher education in a county borough.

General orders have been made by the Board in pursuance of s. 23 (4) of the Act prescribing regulations for estimating the amount which would be produced by any rate in the pound for the purposes of the Act. These orders are respectively known as the "Education (Produce of Rate) Order, 1903," dated August 22nd, 1903, which relates to areas outside London, and the "Education (Produce of Rate) Order, 1904," dated October 22nd, 1904, which refers to the administrative county of London only.

Orders have been issued by the Board consenting to the raising of an amount which would be produced by a rate exceeding twopence in the pound in the cases of the county councils of Anglesey, Glamorgan, Lancaster, Merioneth and the West Riding of Yorks. The highest rate authorised was threepence in the pound.

An application under s. 2 (1) of the Act of 1902 to the Local Government Board for consent to raise an amount which would be produced by a rate exceeding twopence in the pound, calculated in accordance with the provisions of the General Orders above referred to, should be made by the county council, and not the education committee, and should be accompanied by a copy of the resolution authorising the application to be made, and by a statement giving full particulars as to the educational requirements of the county and

showing the necessity for the increase desired. The particulars should include an account (in the form of a balance sheet, and following as closely as possible the headings in the Financial Statement prescribed by the Board), showing *all* the estimated receipts and expenditure of the county council in respect of higher education for the financial year in question, and the receipts and expenditure for the previous year, including the balance at the commencement and end, and appended to the account should be a statement of the assessable value of the county for purposes of the county rate. In the case of a Welsh county the estimated receipts and expenditure for purposes of intermediate education under the Welsh Intermediate Education Act, 1889, should be distinguished in the account, and a copy of any scheme made by the Board of Education in relation to the several foundations should be supplied. If any general scheme of higher education for the county has been approved by the Board of Education, a copy of it should also be forwarded.

It would appear that if the actual wants of the county council for higher education, taken in the aggregate, will not exceed the produce of a twopenny rate over the whole county, the fact that, in any particular area, the use of the proviso (a) to s. 18 (1) of the Act of 1902 will involve the contribution from that area of a higher rate than twopence will not render any consent on the part of the Local Government Board necessary for the purposes of s. 2 (1).

Expenses of local education authorities.—The expenses of a council under the Act of 1902 are, so far as not otherwise provided for, to be paid in the case of a county council out of the county fund, in the case of a borough council out of the borough fund or rate, or, if no borough rate is levied, out of a separate rate to be made, assessed, and levied in like manner as the borough rate, and in the case of an urban district council not being a borough council, in manner provided by s. 33 of the Elementary Education Act, 1876, as respects the expenses mentioned in that section (s. 18 of Act of 1902).

This provision is, as regards the expenses of a county council, subject to important provisos as follows :—

(a) Expenses for higher education may be charged on the parish or parishes served by the school or college.

(b) No sum on account of expenses under Part III. are to be raised within any borough or urban district the council of which is the local education authority for the purposes of that Part.

(c) Such portion (not less than one-half or more than three-fourths) as the county council thinks fit of any expenses incurred by them in respect of capital expenditure or rent on account of the provision or improvement of any public elementary school must be charged on the parish or parishes which, in the opinion of the council, are served by the school ; and

(d) Such portion (not less than one-half or more than three-fourths) as the county council thinks fit of any expenses incurred to meet the liabilities on account of loans or rent of any school board transferred to them, must be raised exclusively within the area which formed the school district in respect of which the liability was incurred, so far as it is within their area.

In *Rex v. Wraith, ex parte Kent County Council* [71 J. P. 447 ; 123 L. T. 206 ; (1907) W. N. 170 ; 76 L. J. K. B. 881 ; (1907) 2 K. B. 756 ; 5 L. G. R. 1091], it was decided that the words “capital expenditure” in s. 18 (1) (c) of the Act of 1902 refer not to the expenditure of the money taken from capital or raised by loan, but to the expenditure of money which, on being laid out, becomes capital, irrespective of the source from which it comes.

Separate accounts are to be kept by the council of a borough of their receipts and expenditure under the Act, and those accounts are to be made up and audited in like manner and subject to the same provisions as the accounts of a county council, and the enactments relating to the audit of those accounts and to all matters incidental thereto and consequential thereon, including the penal provisions, are to apply in lieu of the provisions of the Municipal Corporations Act, 1882, relating

to accounts and audits (s. 18 (3) Act of 1902). Consequently, these accounts are subject to audit by the district auditor appointed by the Local Government Board.

The subject of the audit of education accounts, the forms of financial statements prescribed by the Board, and the rights of ratepayers to attend the audit and object to the legality or reasonableness of expenditure is more fully referred to in *Part V.—Audit of Accounts.*

Borrowing powers.—The principal statutory provision in the Education Acts conferring borrowing powers on local authorities for purposes of education is contained in s. 19 of the Education Act, 1902, which enacts as follows :

“(1) A council may borrow for the purposes of the Elementary Education Acts, 1870 to 1900, or this Act, in the case of a county council as for the purposes of the Local Government Act, 1888, and in the case of the council of a county borough, borough, or urban district as for the purposes of the Public Health Acts, but the money borrowed by a county borough, borough, or urban district council shall be borrowed on the security of the fund or rate out of which the expenses of the council under this Act are payable.

“(2) Money borrowed under this Act shall not be reckoned as part of the total debt of a county for the purposes of section sixty-nine of the Local Government Act, 1888, or as part of the debt of a county borough, borough, or urban district for the purpose of the limitation on borrowing under sub-sections two and three of section two hundred and thirty-four of the Public Health Act, 1875.”

The borrowing powers conferred by this section are available to councils of non-county boroughs and urban districts acting under s. 3 of the Act of 1902, subject, of course, to the limitation mentioned in that section.

Para. (8) of the Third Schedule of the Act of 1902 provides that the borrowing of money by a local education authority for the purposes of s. 15 of the Elementary Education Act, 1876, that is, with respect to the provision of industrial schools, shall continue subject to the consent of the Secretary of State for the Home Department, but makes the borrowing for the

purposes of the Elementary Education (Blind and Deaf Children) Act, 1893, subject to the consent of the Local Government Board.

In addition to these general provisions, borrowing powers for particular purposes are given by the following enactments:

(a) Para. (21) (d) of the Second Schedule of the Act of 1902, which makes the payment of compensation for loss of office or diminution or loss of fees or salary, where the payment is otherwise than by an annual sum, a purpose for which a council may borrow for the purposes of the Act.

(b) Para. (22) of the Second Schedule of the Act of 1902 which applies s. 68 of the Local Government Act, 1894, to adjustments required for the purposes of the Education Act, 1902; and, consequently, makes the payment of a capital sum for the purpose of an adjustment a purpose for which money may be borrowed without the consent of any authority, so that it be repaid within such period as the Local Government Board may sanction. For information on the latter point, see under *Part II.—Adjustments*.

(c) Art. II. of the General Order, dated January 7th, 1904, made by the Local Government Board in pursuance of para. (6) of the Second Schedule of the Act of 1902, which provides that the discharge of the outstanding amount of a liability in respect of money advanced to a school board out of any sinking fund or redemption fund shall be a purpose for which the council to whom the liability has been transferred may borrow under s. 19 of the Act.

(d) The Education (Provision of Working Balances) Act, 1903, s. 1, which enables a local education authority, with the consent of the Local Government Board, to borrow such sums as in the opinion of the Board were required to provide a working balance for carrying the Act of 1902 into effect.

The borrowing powers of the London County Council as the local education authority for the administrative county of London are not subject to the consent of the Local Government Board, but are exerciseable in accordance with the special Acts regulating the borrowing of money by that council

(see para. 5 of First Schedule of the Education (London) Act, 1903, s. 19 of the Education Act, 1902, and s. 40 (9) of the Local Government Act, 1888).

The Local Government Board have expressed the opinion that the entire transactions which may result in the borrowing of money under the Act of 1902 should be excluded from the matters delegated to the education committee under s. 17 (2) of the Act. All correspondence with the Board in relation to any such transactions (including the application for consent to the loan) should therefore be conducted through the clerk of the council and not by the secretary of the education committee.

In connection with loans for education purposes proposed to be raised by County Councils who have already borrowed by means of stock, attention may be drawn to the following extract from the Thirteenth Annual Report of the Public Works Loan Board which is as follows :—

“ In connection with this Board’s loans to county councils for educational purposes, a question arose as to the effect (both as regards the council’s borrowing and this Board’s lending) of section 69, sub-section 9 of the Local Government Act, 1888, which provides that where a county council have borrowed by means of stock, they should not borrow by way of mortgage except for a period not exceeding five years.

“ The Local Government Board have expressed the opinion that the above sub-section does not preclude a county council who have issued stock from borrowing temporarily on mortgage any sums which they may have power to raise and from subsequently issuing stock in respect of the balances of the loans after making provision for the repayment of the loans during the time they are secured by mortgages, such repayment being calculated on the full period sanctioned for the loan.

“ County councils who had borrowed by means of stock applied to this Board for temporary loans in accordance with this opinion, and this Board, having been advised by counsel that no legal obstacle existed, decided to entertain such applications and are making loans to county councils under such circumstances repayable within five years by instalments calculated on the full period sanctioned for the loan, but with a provision for repayment of the whole of the outstanding balance

“at the expiration of the fifth year. This is an innovation in this Board’s practice of requiring repayment of their loans to be by equal instalments of principal, or of principal and interest, during the currency of the loan, and it was only adopted under the very exceptional circumstances of the case with a view to facilitating the carrying out of their duties by education authorities who might otherwise have been seriously hampered in their operations by the financial difficulty referred to.”

Periods for repayment of loans.—The maximum period which can be allowed for the repayment of loans for the purposes of the Education Act of 1902, is sixty years. The anomaly existing prior to the passing of the Education (Administration Provisions) Act, 1907, which limited the maximum period for loans by county councils to thirty years, was removed by s. 3 of that Act.

The periods usually allowed by the Local Government Board for the repayment of loans for the purposes of secondary and elementary schools are:

Purchase of freehold land	60 years
New permanent buildings	30 ”
Drainage and water supply	30 ”
Other works	various periods up to 30 ”
Temporary structures	up to 10 ”
Furniture	10 years (public elementary schools) up to 15 years (secondary schools)

In reply to a question in the House of Commons on 12th June, 1907, the President (Mr. John Burns) said, “The general practice of the Local Government Board has been to allow a period not exceeding 30 years for the repayment of loans for buildings. I have had occasion to consider the matter, and it does not appear to me that there is any sufficient reason for allowing a longer period in the case of schools.”

The following extract from a letter written by the Board to a local authority sets out the reasons for their refusal to allow a longer period than 30 years for the repayment of a loan for the erection of new schools.

“I am to state that the contention of the council that the school buildings will remain in existence for a long period

“ does not appear to the Board to be conclusive as regards the term to be allowed for the repayment of the loan in respect of the cost of erection.

“ The Local Government Board are aware that the Board of Education allowed a period of fifty years in certain cases for the repayment of loans for the provision of schools, but they have gathered that, in fact, schools which were provided so recently as thirty years ago are now found to require re-modelling or at all events extensive alterations in order to make them satisfy modern educational requirements.

“ The Board have been in correspondence with the Board of Education on the subject and they learn that that Board think it possible that the development which has had these results in the past will continue. It seems to the Board, therefore, that on this ground alone they are justified in declining to allow prolonged periods for the repayment of loans sanctioned in respect of the provision of school buildings.”

APPLICATIONS FOR SANCTION TO LOANS.

I. HIGHER EDUCATION.

In connection with proposals of local authorities to borrow money for purposes of higher education, the procedure indicated in the circular letter of the Local Government Board, dated 25th April, 1904, should be observed, and care should be taken to see that all the particulars therein mentioned, so far as they are applicable, accompany the application to the Board to sanction the loan required.

The circular was as follows:—

SIR,

I AM directed by the Local Government Board to state that they have been in communication with the Board of Education with reference to the procedure to be adopted in connexion with the borrowing of money by Local Authorities for the provision of education other than elementary, including the purchase of land and the erection of schools for this purpose.

The approval of the Board of Education is required to plans of endowed schools subject to the Endowed Schools Acts (Endowed Schools Act, 1869, section 55), or so far as capital may need to be expended on them, schools subject to the Charitable Trusts Acts; and schools, not being endowed

schools, which propose to earn grants under the Secondary School Regulations 8. Moreover, under section 2 (1) of the Education Act, 1902, the Local Education Authority are required to consult the Board of Education in regard to steps proposed to be taken to supply or aid the supply of education other than elementary.

It has therefore been considered desirable that all proposals relating to the provision of sites or buildings for the supply of education other than elementary should first be submitted to the Board of Education, and that any application to the Local Government Board for sanction to borrow money for the purchase of sites or for the erection, purchase, or adaptation of buildings, or for a grant to an independent governing body for any such purpose, should be deferred until the Board of Education have approved of the proposals from their point of view.

Questions in regard to water supply or drainage will be dealt with by the Local Government Board.

In the case of all applications for sanction to loans, the Local Government Board should be furnished with a statement (a) in the form of a balance sheet showing the estimated annual receipts and expenditure of the council for purposes of education other than elementary, and a statement in the form (b) enclosed (K, No. 150) as to the assessable value of the County, County Borough, Borough or Urban District, as the case may be, and as to outstanding loans.

The following additional particulars will be required :—

(a) In the case of applications for sanction to loans for the erection or adaptation of buildings by a Council—

1. A copy of the resolution of the Council directing the application for sanction to the loan required, and giving the name of the proposed school;
2. A copy, on tracing cloth, of each of the approved plans, and a copy of the approved estimate;
3. Full information as to the water supply available, and a certificate signed by the Surveyor of the Borough or District in which the school will be situate, to the effect that the plans comply with any byelaws which

(a) This statement should set out all the estimated receipts and expenditure on revenue account, including provision for the repayment of the proposed loan.

(b) Copies of this Form can be obtained from the Local Government Board.

are in force. If there are no byelaws in force this should be stated ;

4. Information as to the terms of any agreement which may have been entered into for the acquisition of the site. If the site vests in the Council, it should be stated under what authority and for what purpose it was acquired. If it was not acquired for the purposes of education it should be stated under what authority it is proposed to use it for that purpose.
- (b) In the case of applications for sanction to loans for the acquisition by a Council of the site of a school—
1. A copy of the resolution of the Council directing the application, and giving the name of the proposed school ;
 2. A copy, on tracing cloth, of the plan of the approved site ;
 3. Information as to the terms of any agreement which may have been entered into for the acquisition of the site.
- (c) In the case of applications for sanction to loans for contributions towards the cost of a school under an independent governing body—
1. A copy of the resolution of the Council directing the application and specifying the name of the governing body which is providing the school, and also the situation of the school ;
 2. A statement showing the total cost of the scheme in respect of which the contribution is made and the manner in which the balance of the cost will be met.

I am, Sir,
Your obedient Servant,
S. B. PROVIS,
Secretary.

II. ELEMENTARY EDUCATION.

In connection with proposals to provide public elementary schools, special attention is called—

- (1) To the Building Regulations made by the Board of Education, being principles to be observed in planning and fitting up new buildings for public elementary schools, together

with rules as to construction and certain requirements as to plans; and

(2) To the Memorandum, dated December, 1907, prepared by the Local Government Board on the arrangements for drainage and disposal of waste matters at public elementary schools for which loans under the Board's sanction are required, with especial reference to schools in country places where sewers and water services are not available.

These can be purchased from Messrs. Wyman and Sons, Ltd., Fetter Lane, E.C.

Applications to the Local Government Board for sanction to loans for the purchase of land and the provision, enlargement, and improvement of public elementary schools should be accompanied by the particulars mentioned in the circular letter of the Board, dated September 21st, 1903, so far as they are applicable, after the preliminary procedure therein indicated has been observed.

The circular was as follows:—

SIR,

I am directed by the Local Government Board to state that they have been in communication with the Board of Education with reference to the procedure to be adopted in connexion with the borrowing of money by Local Education Authorities for the purchase of land and the provision of public elementary schools.

Under the code, the approval of the Board of Education is required to plans of public elementary schools, so far as educational requirements are concerned, and it is therefore considered desirable that, in the first instance, Local Education Authorities should submit proposals for the acquisition of sites for such schools or for the erection of new buildings or extensions of existing buildings, to the Board of Education, and that any application to the Local Government Board for sanction to borrow money in connexion with these matters should be deferred until the Board of Education have approved of the site or plans, so far as educational requirements are concerned.

Questions in regard to water supply or drainage will be dealt with by the Local Government Board.

Applications to the Local Government Board for sanction to loans should be accompanied by the following particulars :—

1. A copy, on tracing cloth, of each of the approved plans.
2. A detailed estimate of the expenditure in the form provided by the Board of Education. A copy of this form is enclosed.
3. A copy of the resolution of the Council directing the application for sanction to the loan required.
4. Full information as to the water supply available, and a certificate, signed by the Surveyor of the borough or district in which the school will be situate, to the effect that the plans comply with any byelaws which are in force.

When the application to the Local Government Board relates merely to a loan for the acquisition of the site, the following particulars only will be required :—

1. A copy on tracing cloth of the plan of the approved site.
2. Information as to the terms of any agreement which has been entered into for the purchase of the site.
3. A copy of the resolution of the Council directing the application and giving the name of the proposed school.

In the case of all applications for sanction to loans the Board should be furnished with a statement showing :—

- (a) the assessable value (a) of the County, Borough, or District.
- (b) the outstanding balances of all loans transferred to or contracted by the Council for purposes of Education.
- (c) the unused borrowing powers for purposes of Education.

I am, Sir,

Your obedient Servant,

S. B. PROVIS,

Secretary.

With regard to the particulars to be furnished to the Local Government Board with applications for sanction to loans for

(a) In the case of a County the assessable value of the County after deducting the assessable values of any Boroughs or Urban Districts the Councils of which are Local Education Authorities under Part III. of the Education Act, 1902, should be given. In the case of a Borough the assessable value for the purposes of the Borough Rate, and, as regards Urban Districts, the assessable value to the Poor Rate. As to the meaning of the term "assessable value" see section 3 of the Agricultural Rates Act, 1896.

Form K, 150, which can be obtained on application to the Local Government Board, should be used for the purpose of supplying this information.

purposes of public elementary schools, the undermentioned remarks should be noted.

1. Plans.—It will be observed from the circular letter of September 21st, 1903, that the Board of Education approve plans of school buildings *only so far as educational requirements are concerned*, leaving the criticism of the plans from a sanitary point of view to the Local Government Board. It must, therefore, not be assumed that plans which have been approved by the Board of Education will necessarily meet the requirements of the Local Government Board without amendment.

In preparing the plans, the requirements and suggestions embodied in the Memorandum of the Local Government Board of December, 1907, referred to above, should be carefully considered.

The plans forwarded to the Local Government Board should include a block plan, showing the proposed drainage arrangements. If there is a drainage system already in existence, this should be shown by a distinctive colour. The plan should, moreover, show the positions of all inspection and disconnecting chambers, fresh air inlets, ventilating pipes, and public sewers or other outfall to which the drainage will be conveyed; and it should distinguish surface water drains from foul drains, and indicate the position of all wells or other sources of water supply.

2. Land.—In all cases of land purchase, it should be stated whether a provisional agreement has been entered into for the purchase, and whether the freehold is to be acquired; and, if the amount proposed to be borrowed exceeds the actual purchase money, it should be explained what the difference represents.

If the land is to be purchased subject to any restrictions or conditions, or to the reservation of mineral or other rights, the particulars of the restrictions, etc., should be supplied; and where mineral rights are reserved, it should be stated whether there is any likelihood of minerals being worked under the site and, if so, at what depth, whether there is

any probability of subsidence, and whether the conveyance will provide for payment of compensation thereunder for damage caused by mining operations. If mining has already taken place under the site, a geological section showing the position and thickness of the veins, seams worked out and not worked out, should be furnished, together with the dates of past workings.

Where the area to be purchased is in excess of that which the Board of Education have in their building rules, to which reference has already been made, laid down as the minimum size of a site for a school, information should be furnished as to the number of children for which the school will provide, and, if the whole of the site is not required for the purposes of the school, the reasons for purchasing so large an area should be stated.

Where land is leased, the period of the lease and the date from which it runs should be specified; and, if the unexpired period is less than the term desired for the repayment of the loan for the works contemplated, it should be stated whether arrangements have been made for a renewal of the lease on its expiry, and, if so, for what period. If the lease contains a provision for the repayment to the lessees of the value of any works defrayed out of a loan in the event of the lease being determined during the currency of the loan, this should also be stated, and an undertaking should be given that the authority will at once pay off the balance of the loan, and that the loan will be raised on terms which will admit of this being done.

Section 1 (2) (iii) of the Act of 1907 empowers a local education authority to appropriate, with the consent of and after inquiry by the Local Government Board, for any of the purposes of the Education Acts, any land acquired by them otherwise than in their capacity of local education authority; and sub-s. (3) of the same section empowers the council of a non-county borough or urban district to appropriate with the like consent and after inquiry, for the purpose of their power to supply or aid the supply of education other than elementary,

any land acquired by them under any other power. The appropriation is in each case subject to any special covenants or agreements affecting the use of the land.

An application to the Board for their consent to an appropriation under either of these enactments should be deferred until the Board of Education have approved of the site for the intended purpose. The application should be accompanied by a resolution of the authority directing it to be made, and by plans in duplicate (on tracing cloth) showing the land in question and its surroundings. A statement should also be supplied showing (1) when, under what statutory authority, and for what purpose the land was acquired; and if by means of a loan, particulars of the loan and of the amount outstanding; (2) if the land was acquired for the purposes of public walks and pleasure grounds, whether the land is being used or has been dedicated for those purposes; (3) whether the land is no longer required for the purpose for which it was acquired; (4) whether the land is subject to any special covenants and agreements affecting its use. If so, a copy of the conveyance or other document containing them should be provided; and (5) whether the Board of Education have approved of the site for the intended purpose.

3. Form of Estimate (Supply Form 7).—Copies of this form are forwarded to the local education authority by the Board of Education when notifying their approval of the plans or specifications of the proposed works; and requests for copies of this form should be made to the Board of Education and not to the Local Government Board.

4. Cost of school.—If there are any special reasons tending to make the cost of the school per head of the children to be accommodated high, these should be specified.

5. Repairs.—If the estimate includes any sums for work in the nature of ordinary repairs, the total amount so included should be stated.

6. Superseded works.—In all cases in which the proposed works will involve the supersession or abandonment of works in

respect of which there is debt outstanding, information should be furnished as to—

- (a) The amount of the loan out of which the cost of the works to be superseded was defrayed, the date on which the loan was sanctioned, the period allowed for repayment, and the amount of debt outstanding on the loan ;
- (b) The original cost of the works to be superseded ; and
- (c) The approximate amount outstanding in respect of such works.

7. Furniture.—In a letter to a local education authority, dated November, 1907, the Local Government Board stated that the Board of Education had been in communication with them on the question of sanctioning loans for the provision of furniture and apparatus for public elementary schools, and that, at the express wish of the Board of Education, they have decided that, in future, they will not give their consent to loans for the purpose in question except upon the occasion of the provision of a new school, or upon the transfer to the local education authority of an existing non-provided school, or upon some substantial enlargement or alteration of an existing school, and then only if the articles for which the loan is required will have a probable duration of at least ten years.

Applications to the Local Government Board to sanction loans for the provision of furniture for public elementary schools should accordingly be limited to cases coming within the exceptions referred to, and to articles which will last for not less than ten years.

Where the proposal relates exclusively to the provision of furniture for a public elementary school, application may be made to the Local Government Board for sanction to the loan without previous reference to the Board of Education. In such a case the application should be accompanied by

- (1) A copy of a resolution of the council directing it to be made ;
- (2) A priced list of the furniture to be provided ; and

- (8) A typical drawing of the desks (including a section drawn to a scale of $1\frac{1}{2}$ inches to a foot).

If the application relates to more than one school, a statement should be furnished showing the articles (and their cost) allocated to each school; and where loans have previously been sanctioned for the provision of furniture for any school included in the application, it should be mentioned whether the furniture is additional or is intended to replace any on which there is debt outstanding.

With regard to proposals by local education authorities to provide furniture for new non-provided schools, attention is drawn to important statements made by the President of the Board of Education in the House of Commons on April 9th and 11th, 1906, in reply to questions addressed to him. The questions and replies were as follows:—

Question.

MR. BOLAND.—“To ask the President of the Board of Education whether he is aware that St. Mary’s Catholic School, Bolton, was built subject to the provisions of the Act of 1902; whereby the maintenance and furnishing was to be met by the local education authority, can he state why the declared policy of the Board should be reversed whilst a school is being built; and whether, in view of the sum spent in the building of this new school, he will arrange that the provisions of the Act of 1902, as regards furnishing, shall be strictly adhered to.”

Answer.

MR. BIRRELL.—“I am aware that the erection of St. Mary’s Catholic School, Bolton, was sanctioned at a time when the provisions of the Act were understood to throw upon the local authority, in all cases, the duty of providing the furniture for a new voluntary school. The Board have, however, recently been advised that, under a correct construction of the terms of the Act, no such obligation rests upon the local authority, and that the authority can properly decline to maintain a new voluntary school unless and until it is provided with the requisite furniture, etc., for the purposes of a public elementary school. I am, however, of opinion that, in

“cases where the provision of the school was settled at a time when the reverse view was held, it would be a fair arrangement if the local authority were to arrange that the cost of providing the furniture, etc., should not, contrary to expectation, fall upon the managers. But whether this can be avoided, where an authority is willing to bear the expense as it had expected to have to do, raises difficult legal questions which are being carefully considered.” (Monday, 9th April, 1906).

Question.

LORD R. CECIL.—“I beg to ask the President of the Board of Education whether the Board of Education has ruled that it falls to the managers of a non-provided school to provide the furniture of such school; whether that ruling is in accordance with previous rulings of the Board; and, if not, on whose advice the latter ruling was given; and whether by an unofficial letter the Minister of Education has expressed his willingness to recommend a modification of the later ruling in the case of a school erected by Mr. Cadbury; and, if so, in what direction and for what reason.”

Answer.

MR. BIRRELL.—“I must refer the Noble Lord to the answer I gave on Monday, the 9th, to a written question on this subject from the Honourable Member for Kerry, S. Since that answer was given, the Government have now been definitely advised that the arrangement referred to in that answer and in the unofficial letter quoted in the Noble Lord’s question is not legally possible, having regard to the fact that a school must, as the Board are now advised, be properly equipped as a public elementary school before the local authority can properly maintain it. I am sorry this should be so, as I should have liked to have seen carried out proposals made before the new ruling, but this seems now impossible both in Mr. Cadbury’s and other cases.” (Wednesday, 11th April, 1906.)

8. Purchase of Schools.—When application is made to the Board for sanction to a loan for the purchase of an existing school or the redemption of a mortgage debt on a transferred school, it should be stated that the Board of Education have

approved of the proposals of the authority, and the under-mentioned particulars should be furnished :

- (1) A copy of a resolution of the council directing the application to be made ;
- (2) A plan of the school showing the drainage arrangements and the whole of the land to be acquired ;
- (3) Information (a) as to whether the fee simple of the site is to be purchased or as to the unexpired term of the lease to be taken over ; and (b) in the case of a transferred school, whether the transfer is subject to the liquidation of a mortgage debt. If a memorandum of agreement has been approved by the Board of Education in the matter, a copy of this should be forwarded ;
- (4) A report as to (a) the age and general condition of the premises ; (b) the accommodation to be provided by the school ; (c) the drainage arrangements ; (d) the water supply available ; and (e) the approximate value of the land, buildings, and furniture respectively. If any valuation has been made, a copy of it should be supplied ;
- (5) A statement showing how the amount proposed to be borrowed is made up, if it exceeds the purchase money.

9. Temporary schools.—Subject to the approval of the Board of Education being first obtained to the proposal and to the plans complying in all respects with the byelaws (if any) in force in the locality, unless they are exempted therefrom, the Local Government Board are willing to entertain applications by local education authorities for sanction to borrow money for the provision of temporary structures. Similar particulars to those required in the case of a loan for the provision of a permanent school should be furnished ; and it should be stated whether it is intended to erect a permanent school on the site, and, if so, within what period, and what is then proposed to be done with the temporary

building. The estimate of cost should set out separately the various items which it comprises, *e.g.* (a) the structure, (b) the foundations, stating nature thereof, (c) drainage, (d) water supply, (e) making up playgrounds and paths, (f) lighting, and (g) fencing.

10. Excess expenditure on works for which loans have been sanctioned.—An application for sanction to a loan to defray the excess expenditure should be accompanied by—

- (1) A copy of a resolution directing the application to be made (*a*) ;
- (2) Particulars (in Form K, No. 121) as to the loan or loans for the works on which the excess has occurred, the various items of expenditure and reasons for excesses or savings (*b*) ;
- (3) A statement as to whether there have been any deviations from the plans as originally approved and, if so, whether the approval of the Board of Education was obtained to such deviations; and
- (4) Information as to the date when the works were completed.

Modification of Local Acts.—An application to the Local Government Board under paragraph (12) of the Third Schedule to the Act of 1902 for an order making adaptations or modifications in a local Act should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made ;
- (2) A King's printer's copy of the Act or a print of the scheme (as the case may be). If the Act has been previously amended, a reference to the amending local Act or Provisional Order should be given ;
- (3) A statement showing the particular provisions proposed to be adapted or modified, the precise alterations desired, any provisions which will require consequential alteration, and the grounds upon which each amendment is suggested ; and

(a) See also "RESOLUTIONS," p. 8.

(b) Copies of this form are supplied by the Local Government Board on request. See also "FORMS," p. 5.

- (4) A full statement of the circumstances out of which the application arises.

Parliamentary papers (a).—Among the Parliamentary and other papers which have recently been issued on this subject, the following may, perhaps, be specially referred to here :

BUILDING REGULATIONS, being principles to be observed in planning and fitting up public elementary schools. [*Cd.* 3,571. 1907. *Price* 2*d.*]

BUILDING REGULATIONS for secondary schools and pupil teachers' centres. [*Cd.* 3,685. 1908. *Price* 2*d.*]

EDUCATION RATES, Report of Departmental Committee on. [*Cd.* 3,313. 1907. *Price* 1*s.* 8½*d.*]

RATES raised under section 18 (1) (c) and (d) of the Education Act, 1902, by the county council of each administrative county in England and Wales (except London) during 1905—1906. [*No.* 83. 1907. *Price* 8*d.*]

REGULATIONS under which grants for new public elementary schools in England and Wales will be made by the Board of Education after the passing of the Appropriation Act, 1907, during the year ending March 31st, 1908. [*Cd.* 3,680. 1907. *Price* ½*d.*]

REGULATIONS providing for special grants in aid of local education authorities in England and Wales in 1907—1908. [*Cd.* 789. 1907. *Price* ½*d.*]

HIGHER EDUCATION. Return showing application of funds by local authorities in England and Wales during 1905—1906. [*No.* 325. 1907. *Price* 1*s.* 6*d.* *Issued annually.*]

MEDICAL INSPECTION AND FEEDING OF CHILDREN attending public elementary schools. Report of inter-departmental committee. [Vol. I. Report and Appendix. *Cd.* 2,779. 1906. *Price* 1*s.* 3*d.* Vol. II. Minutes of evidence, appendices, and index. *Cd.* 2,784. 1906. *Price* 3*s.* Circular of Board of Education. No. 576. Dated 22nd November, 1907. *Price* 2*d.* (b)]

STATISTICS of public education in England and Wales for 1904—1906. [*Cd.* 3,255. 1906. *Price* 2*s.* 5½*d.*]

(a) As to how such papers may be obtained, see under Part XLVI., "PARLIAMENTARY AND OTHER PAPERS."

(b) This is not a Parliamentary Paper, but may be purchased from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

STATEMENT of moneys expended on education under Parts II. and III. respectively of the Education Act, 1902, by each local education authority for 1904—1905; and for 1905—1906 (estimated). [*Cd.* 2,916. 1906. *Price* 2½*d.*]

FEEDING OF SCHOOL CHILDREN in Continental and American cities. Return relating to methods adopted. [*Cd.* 2,926. 1906. *Price* 4½*d.*]

UNDERFERD CHILDREN at public elementary schools. Circulars issued in April, 1905, by the Local Government Board and Board of Education. [*Cd.* 2,505. 1905. *Price* 1½*d.*]

REGULATIONS for technical schools, schools of art and art classes, and other schools and classes day and even-evening, from August 1st, 1907, to July 31st, 1908. [*Cd.* 3,555. 1907. *Price* 2*d.*]

REGULATIONS for secondary schools from August 1st, 1907. [*Cd.* 3,592. 1907. *Price* 2½*d.*]

SUPPLEMENTARY REGULATIONS for secondary schools in England. [*Cd.* 3,704. 1907. *Price* 1½*d.*]

REGULATIONS applicable to schools for blind, deaf, defective, and epileptic children. [*Cd.* 3,636. 1907. *Price* 2½*d.*]

LIST of certified schools for blind, deaf, defective, and epileptic children in England and Wales on August 1st, 1906. [*Cd.* 3,588. 1907. *Price* 2½*d.*]

LIST of evening schools under the administration of the Board of Education and amount of grant for 1904—1905. [*Cd.* 3,314. 1907. *Price* 6*d.*]

LISTS of public elementary schools and certified efficient schools on August 1st, 1906 (England): [*Cd.* 3,510. 1907. *Price* 3*s.* 4*d.*]. (Wales): [*Cd.* 3,640. 1907. *Price* 4½*d.*].

RETURN of the schools in England and Wales recognised on January 1st, 1906, as non-provided public elementary schools, showing the tenure of the premises and the character of the trusts, if any, to which the premises

are subject. [No. 178. 1906—7. *Issued separately as regards each county.*]

GENERAL INTRODUCTION to last-mentioned Return. [No. 231. 1907. *Price 2s. 3d.*]

GRANTS paid to school boards under s. 97 of the Elementary Education Act, 1870. School board accounts. List of loans (1903—1904). [*Cd.* 2,338. 1904. *Price 1s. 3d.*]

ASSOCIATIONS constituted under the Voluntary Schools Act, 1897. Associated schools and amounts of aid grant paid. Unassociated schools and amounts of aid grant paid (1903—1905). [*Cd.* 2,412. 1905. *Price 1s. 1d.*]

CODE of regulations for public elementary schools for 1907. [*Cd.* 3,594. 1907. *Price 3d.*]. (Wales): [*Cd.* 3,604. 1907. *Price 3d.*]

PRECEDENTS of trust deeds settled for Church of England, British, Wesleyan, Roman Catholic, Jewish, Un denominational, etc., schools. [*Cd.* 1,337. 1902. *Price 7d.*]

The prices above-mentioned are exclusive of postage. It may be added that some important reports and returns relating to education in London have been issued by the London County Council; these may be purchased from Messrs. P. S. King and Son, Great Smith Street, Westminster, S.W.

PART XXII.—ELECTORAL DIVISIONS FOR ELECTION OF COUNTY COUNCILLORS.*

Statutory provisions.—Section 2 (1) of the Local Government Act, 1888, provided that a county council should be constituted and elected in like manner as the council of a borough divided into wards, subject, nevertheless, to the provisions of the Act. The principal provisions of the Act relating to the constitution and alteration of electoral divisions are contained in ss. 2 (2) (e), 2 (3), 40 (4), 51, and 54 (1) of the Local Government Act, 1888.

The divisions for the purpose of the election of county councillors were to be called electoral divisions, not wards (s. 2 (2) (e)).

The number of councillors and their apportionment between the boroughs having sufficient population to return one councillor and the rest of the county were to be determined by the Local Government Board. Each borough returning one councillor only was to be an electoral division, and the other electoral divisions were to be determined, in the case of a borough entitled to more than one councillor, by the council of the borough, and in the rest of the county by the quarter sessions (s. 2 (3)).

The number of county councillors and electoral divisions for London was fixed by s. 40 (4) of the Act.

Section 51 of the Act contained the directions to be observed in the constitution of the electoral divisions, whether for the first election or subsequent elections.

Section 54 (1) is as follows: "Whenever it is represented
"by the council of any county or borough to the Local
"Government Board—

"(a) that the alteration of the boundary of any county or
"borough is desirable; or

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. iii. pp. 53—88. "Encyclopædia of Forms and Precedents," vol. viii. pp. 134—192. Lushington's "County Council and Municipal Elections Manual."

- “ (b) that the union, for all or any of the purposes of this
“ Act, of a county borough with a county is desirable ;
“ or
 - “ (c) that the union, for all or any of the purposes of this
“ Act, of any counties or boroughs or the division of
“ any county is desirable ; or
 - “ (d) that it is desirable to constitute any borough having a
“ population of not less than fifty thousand into a
“ county borough ; or
 - “ (e) *that the alteration of the boundary of any electoral division
“ of a county, or of the number of county councillors and
“ electoral divisions in a county, is desirable ;*
 - “ (f) that the alteration of any area of local government
“ partly situate in their county or borough is
“ desirable,
- “ the Local Government Board shall, unless for special reasons
“ they think that the representation ought not to be enter-
“ tained, cause to be made a local inquiry, and may make an
“ order for the proposal contained in such representation, or
“ for such other proposal as they may deem expedient, or
“ may refuse such order, and *if they make the order may by such
“ order divide or alter any electoral division.*”

In view of the provisions of s. 40 (4) of the Act, it is not clear that procedure under s. 54 (1) (e) is available in the case of the administrative county of London.

Jurisdiction of Local Government Board.—Apart from the power vested in the Local Government Board by the concluding words of sub-s. (1) of s. 54 of the Act of 1888, the jurisdiction of the Board with respect to the alteration of the boundary of an electoral division or of the number of county councillors and electoral divisions is restricted to cases in which a representation is made to them by a county council or town council in pursuance of paragraph (e) of the subsection.

Number and apportionment of county councillors (1888).—The following statement shows the number of county councillors which were apportioned by the Local Government Board in August, 1888, in pursuance of s. 2 (3) (a) of the Local

Government Act, 1888, to each of the municipal boroughs in England and Wales with sufficient population to return at least one councillor, to the portion of each administrative county not comprised in any such borough, the total number of councillors for each administrative county, the number of county aldermen, and the total number of members of each county council. Since that time, however, many alterations of electoral divisions have been made by orders of the Local Government Board and otherwise, in some cases resulting in an increase and in other cases in a decrease of county councillors and aldermen.

Administrative County.	Number of Councillors apportioned to Boroughs with sufficient Population to return at least one Councillor.		Number of Councillors apportioned to rest of Administrative County.	Total Number of Councillors.	Number of County Aldermen.	Total Number of Members of County Council.
	Name of Borough.	Number of Councillors.				
BEDFORD . .	Bedford . . .	6				
	Dunstable . . .	2				
	Luton . . .	7				
		15	36	51	17	68
BERKS . .	Abingdon . . .	2				
	Maidenhead. . .	2				
	Newbury . . .	3				
	New Windsor . . .	3				
	Wallingford. . .	1				
	Wokingham . . .	1				
		12	39	51	17	68
BUCKINGHAM .	Buckingham . . .	1				
	Chepping Wycombe .	3				
		4	47	51	17	68
CAMBRIDGE : Cambridge .	Cambridge . . .	14	34	48	16	64
Isle of Ely .	Wisbech . . .	6	36	42	14	56
CHESTER .	Congleton . . .	1				
	Crewe . . .	3				
	Hyde . . .	3				
	Macclesfield . . .	4				
	Stalybridge . . .	3				
		14	43	57	19	76

Administrative County.	Number of Councillors apportioned to Boroughs with sufficient Population to return at least one Councillor.		Number of Councillors apportioned to rest of Administrative County.	Total Number of Councillors.	Number of County Aldermen.	Total Number of Members of County Council.
	Name of Borough.	Number of Councillors.				
CORNWALL	Bodmin	1				
	Falmouth	1				
	Helston	1				
	Launceston	1				
	Liskeard	1				
	Penryn	1				
	Penzance	2				
	Saint Ives	1				
	Truro	2				
		11	55	66	22	88
CUMBERLAND	Carlisle	8				
	Workington	3				
		11	49	60	20	80
DERBY	Chesterfield	2				
	Glossop	3				
	Ilkeston	2				
		7	53	60	20	80
DEVON	Barnstable	2				
	Bideford	1				
	Clifton Dartmouth	1				
	Hardness					
	Tiverton	2				
		6	72	78	26	104
DORSET	Bridport	2				
	Dorchester	2				
	Lyme Regis	1				
	Poole	3				
	Shaftesbury	1				
	Wareham	1				
	Weymouth and Melcombe Regis.	3				
		13	44	57	19	76
DURHAM	Darlington	4				
	Durham	2				
	Hartlepool	2				
	Jarrow	3				
	Stockton-on-Tees	4				
	West Hartlepool	3				
		18	54	72	24	96

Administrative County.	Number of Councillors apportioned to Boroughs with sufficient Population to return at least one Councillor.		Number of Councillors apportioned to rest of Administrative County.	Total Number of Councillors.	Number of County Aldermen.	Total Number of Members of County Council.
	Name of Borough.	Number of Councillors.				
ESSEX . . .	Chelmsford . . .	1				
	Colchester . . .	8				
	Harwich . . .	1				
	Maldon . . .	1				
	Saffron Walden . . .	1				
		7	56	63	21	84
GLOUCESTER . . .	Cheltenham . . .	6				
	Tewkesbury . . .	1				
		7	53	60	20	80
HEREFORD . . .	Hereford . . .	8				
	Leominster . . .	2				
		10	41	51	17	68
HERTFORD . . .	Hertford . . .	2				
	Saint Albans . . .	3				
		5	49	54	18	72
HUNTINGDON . . .	Godmanchester . . .	1				
	Huntingdon . . .	3				
	Saint Ives . . .	2				
		6	33	39	13	52
KENT . . .	Deal . . .	1				
	Cover . . .	3				
	Faversham . . .	1				
	Folkestone . . .	2				
	Gravesend . . .	2				
	Maidstone . . .	3				
	Margate . . .	2				
	Ramsgate . . .	2				
	Rochester . . .	2				
		18	54	72	24	96
LANCASTER . . .	Accrington . . .	2				
	Ashton-under-Lyne . . .	2				
	Bacup . . .	2				
	Blackpool . . .	1				
	Chorley . . .	1				
	Clitheroe . . .	1				
	Darwen . . .	2				
	Heywood . . .	1				
	Lancaster . . .	1				

Administrative County.	Number of Councillors apportioned to Boroughs with sufficient Population to return at least one Councillor.		Number of Councillors apportioned to rest of Administrative County.	Total Number of Councillors.	Number of County Aldermen.	Total Number of Members of County Council.
	Name of Borough.	Number of Councillors.				
LANCASTER (cont).	Middleton . . .	1				
	Mossley . . .	1				
	Southport . . .	2				
	Warrington . . .	3				
		20	85	105	35	140
LEICESTER .	Loughborough . .	3	51	54	18	72
LINCOLN: Parts of Hol- land . .	Boston . . .	7	35	42	14	56
	Grantham . . .	7				
	Stamford . . .	4				
		11	37	48	16	64
Parts of Lind- sey . .	Great Grimsby . .	6				
	Louth . . .	2				
		8	49	57	19	76
*LONDON . .	. . . . .	—	—	—	—	—
MIDDLESEX .	. . . . .	—	54	54	18	72
MONMOUTH .	Monmouth . . .	1				
	Newport . . .	8				
		9	39	48	16	64
NORFOLK . .	King's Lynn . . .	3				
	Thetford . . .	1				
		4	53	57	19	76
NORTHAMPTON: Northampton.	Brackley . . .	1				
	Daventry . . .	1				
		2	49	51	17	68

* The number of county councillors and county aldermen for the Administrative County of London was fixed by s. 40 (4) of the Local Government Act, 1888, and not determined by Order of the Local Government Board. The county has 118 councillors and 19 aldermen, a total of 137.

Administrative County.	Number of Councillors apportioned to Boroughs with sufficient Population to return at least one Councillor.		Number of Councillors apportioned to rest of Administrative County.	Total Number of Councillors.	Number of County Aldermen.	Total Number of Members of County Council.
	Name of Borough.	Number of Councillors.				
NORTHAMPTON (cont.): Soke of Peterborough . .	Peterborough . .	20	10	30	10	40
NORTHUMBER- LAND . .	Berwick-on-Tweed . .	3	47	60	20	80
	Morpeth . .	1				
	Tynemouth . .	9				
		13				
NOTTINGHAM .	East Retford . .	2	46	51	17	68
	Newark . .	3				
		5				
OXFORD . .	Banbury . .	1	43	57	19	76
	Chipping Norton . .	1				
	Henley-on-Thames . .	1				
	Oxford . .	11				
		14				
RUTLAND	—	21	21	7	28
SALOP . .	Bridgnorth . .	1	38	51	17	68
	Ludlow . .	1				
	Oswestry . .	2				
	Shrewsbury . .	5				
	Wenlock . .	4				
		13				
SOMERSET . .	Bridgwater . .	2	59	66	22	88
	Glastonbury . .	1				
	Taunton . .	2				
	Wells . .	1				
	Yeovil . .	1				
		7				
SOUTHAMPTON .	Andover . .	1	65	75	25	100
	Basingstoke . .	1				
	Newport . .	2				
	Romsey . .	1				
	Ryde . .	2				
	Winchester . .	3				
		10				

Administrative County.	Number of Councillors apportioned to Boroughs with sufficient Population to return at least one Councillor.		Number of Councillors apportioned to rest of Administrative County.	Total Number of Councillors.	Number of County Aldermen.	Total Number of Members of County Council.					
	Name of Borough.	Number of Councillors.									
STAFFORD .	Burslem	3									
	Burton-on-Trent	4									
	Lichfield	1									
	Longton	2									
	Newcastle-under-Lyme	2									
	Stafford	2									
	Stoke-upon-Trent	2									
	Wednesbury	2									
		18					57	75	25	100	
	SUFFOLK: East Suffolk .	Aldeburgh	1								
Beccles		2									
Eye		1									
Lowestoft		6									
Southwold		1									
		11	46					57	19	76	
West Suffolk .		Bury Saint Edmunds	6								
		Sudbury	3								
			9					39	48	16	64
SURREY . .		Guildford	2								
	Kingston-on-Thames	3									
	Reigate	3									
		8	49	57	19	76					
SUSSEX: East Sussex .	Eastbourne	5									
	Lewes	3									
	Rye	1									
		9	42	51	17	68					
West Sussex .	Arundel	1									
	Chichester	3									
		4	41	45	15	60					
WARWICK . .	Royal Leamington Spa	4									
	Stratford-on-Avon	1									
	Sutton Coldfield	1									
	Warwick	2									
		8	46	54	18	72					

Administrative County.	Number of Councillors apportioned to Boroughs with sufficient Population to return at least one Councillor.		Number of Councillors apportioned to rest of Administrative County.	Total Number of Councillors.	Number of County Aldermen.	Total Number of Members of County Council.
	Name of Borough.	Number of Councillors.				
WESTMORELAND	Appleby . . .	1				
	Kendal . . .	8				
		9	33	42	14	56
WILTS . .	Devizes . . .	1				
	Malmesbury . . .	1				
	Marlborough . . .	1				
	Salisbury . . .	3				
		6	54	60	20	80
WORCESTER .	Bewdley . . .	1				
	Droitwich . . .	1				
	Evesham . . .	1				
	Kidderminster . . .	4				
		7	50	57	19	76
YORK: East Riding .	Beverley . . .	4	47	51	17	68
	North Riding. Richmond . . .	1				
		6				
	Scarborough . . .	7	53	60	20	80
West Riding .	Barnsley . . .	2				
	Batley . . .	2				
	Dewsbury . . .	2				
	Doncaster . . .	2				
	Harrogate . . .	1				
	Keighley . . .	2				
	Morley . . .	1				
	Pontefract . . .	1				
	Ripon . . .	1				
	Rotherham . . .	2				
	Wakefield . . .	2				
		18	72	90	30	120
ANGLESEY .	Beaumaris . . .	2	40	42	14	56
BRECKNOCK .	Brecknock . . .	5	40	45	15	60
CARDIGAN .	Aberystwith . . .	4				
	Cardigan . . .	2				
	Lampeter . . .	1				
		7	41	48	16	64

Administrative County.	Number of Councillors apportioned to Boroughs with sufficient Population to return at least one Councillor.		Number of Councillors apportioned to rest of Administrative County.	Total Number of Councillors.	Number of County Aldermen.	Total Number of Members of County Council.
	Name of Borough.	Number of Councillors.				
CARMARTHEN .	Carmarthen . . .	4				
	Kidwelly . . .	1				
	Llandovery . . .	1				
		6	45	51	17	68
CARNARVON .	Bangor. . . .	4				
	Carnarvon . . .	4				
	Conway	1				
	Pwllheli	1				
		10	38	48	16	64
DENBIGH .	Denbigh	3				
	Ruthin	1				
	Wrexham	4				
		8	40	48	16	64
FLINT .	Flint	3	39	42	14	56
GLAMORGAN .	Aberavon	1				
	Neath	2				
		3	63	66	22	88
MERIONETH .	. . . . .	—	42	42	14	56
MONTGOMERY .	Llanfyllin	1				
	Llanidloes	2				
	Montgomery	1				
	Welshpool	4				
		8	34	42	14	56
PEMBROKE .	Haverfordwest . . .	3				
	Pembroke	7				
	Tenby	2				
		12	36	48	16	64
RADNOR .	. . . . .	—	24	24	8	32

ALTERATION OF ELECTORAL DIVISIONS AND NUMBER OF COUNTY COUNCILLORS.

Applications to Local Government Board for Orders.—

The alteration of electoral divisions for the election of county councillors and of the number of councillors for the county is sometimes effected by Provisional Orders and local Acts as consequential upon or incidental to the alteration of the boundaries of counties and boroughs and the constitution of county boroughs authorised by such orders and Acts; but, apart from cases of this kind, if it is desired that the boundaries of electoral divisions should be altered either with or without an alteration of the number of county councillors, representation should be made to the Local Government Board in pursuance of s. 54 (1) (e) of the Local Government Act, 1888, in favour of an order giving effect to the proposals.

In regard to the alteration of the number of county councillors, it may be pointed out that s. 2 (2) (e) of the Local Government Act, 1888, provides that one county councillor *only* shall be elected for each electoral division, and that, consequently, an alteration of the number of county councillors of a county can only be effected by a corresponding alteration in the number of electoral divisions. A representation to the Local Government Board in favour of the alteration of the number of county councillors should, therefore, be accompanied by a scheme for the alteration of electoral divisions so as to provide for the proposed increase or decrease of councillors.

It would appear that the Local Government Board do not refuse to entertain applications for an alteration of the number of county councillors to a number not divisible by three, though they consider it very desirable that such a result should be avoided if possible.

An application to the Local Government Board under s. 54 (1) (e) of the Local Government Act, 1888, should be accompanied by—

- (1) A copy of a resolution of the county council or town council (as the case may be) or a memorial under seal embodying the representation of the council in favour of the changes proposed ;
- (2) A statement as to the area, population, and number of electors of each electoral division affected (i) as existing, and (ii) as proposed to be altered ;
- (3) A statement with respect to each such electoral division of the particular grounds which, in the opinion of the council, render the alteration necessary or expedient. If these grounds are detailed in any report or document which may prove useful to the Local Government Board in connection with their investigation of the proposals, a copy of such report or document should be forwarded ;
- (4) Maps showing clearly the electoral divisions as existing and as proposed to be altered ;

NOTE.—Where the areas to be transferred from one electoral division to another comprise entire civil parishes or urban or rural districts, county diagram maps of sanitary districts (*a*) will be sufficient. In other cases, ordnance maps on the scale of six inches to a mile should be used unless the proposed boundaries cannot be clearly shown on maps of this scale, when ordnance maps on the scale of twenty-five inches to a mile should be used. Where the proposed electoral divisions will be co-extensive with wards of a borough or urban district, the six inch maps will suffice.

If a considerable rearrangement of the electoral divisions of a county is contemplated, county diagram maps of sanitary districts coloured to show the whole of the electoral divisions of the county (i) as existing, and (ii) as proposed to be altered should also be supplied.

(*a*) These can be obtained from Messrs. Stanford, map publishers, Long Acre, London, W.C.

The proposed boundary of each electoral division should be shown on the six inch or twenty-five inch map by a continuous thin firm line of colour ; and, where the electoral division will comprise part only of a borough or urban district (not being co-extensive with a ward or wards) or part of a rural parish, care should be taken to see that the name of every street, river, railway, etc., along which the boundary will pass or which will be adjacent to the boundary at all changes of direction is clearly marked thereon, and a verbal description of each such electoral division suitable for insertion in any order which the Local Government Board may decide to issue for giving effect to the proposal should be furnished. For guidance in the preparation of such descriptions, see the extracts from Orders of the Board given later.

- (5) Information as to the precise place or places at which the local inquiry into the matter can be held with due regard to the convenience of the persons interested who may wish to attend.

NOTE.—If the scheme affects a number of electoral divisions situated in various parts of the county, it will be desirable to suggest places at convenient centres for the holding of the local inquiry as regards different groups of electoral divisions. If, however, in the case of such a scheme, one place only is suggested, it should be stated that the county council consider that the place will be convenient to all parties interested.

In any case in which the scheme of the county council includes the alteration of the electoral divisions of a borough and a separate representation is not submitted by the town council of the borough in support thereof, it should be stated whether the town council concur in the proposals so far as they affect the borough.

Where it is proposed to alter the number of county councillors, the following additional information should be supplied :

- (a) A statement as to the area, population, and number of electors of each existing electoral division of the county, and, if an extensive scheme of rearrangement is contemplated, information (in tabular form) showing as regards—

- (i) Urban areas,
- (ii) Rural areas,

the number of councillors in 1889, at present, and as proposed, and the average population and number of electors per division.

- (b) Unless it is desired that any order which may be made shall not come into force until the next ordinary day of election of county councillors, it should be stated for which of the proposed electoral divisions the councillors representing the existing divisions affected would wish to sit and for which divisions elections will be necessary.

NOTE.—Presumably, the division which a councillor might represent without a fresh election should contain some portion of the area comprised in the division previously represented by him. For a provision on this point in an Order of the Local Government Board, see *post*.

- (c) If an unequal number of aldermen at present retire on the ordinary day of retirement in each third year, and if the proposed alteration of the number of county councillors will involve an increase or decrease in the number of county aldermen, information should be furnished as to how the present aldermen retire, *e.g.* eight in 1910, nine in 1913.

NOTE.—Section 14 (2) of the Municipal Corporations Act, 1882, which is applied to county councils (other than the London County Council) by s. 75 of the Local Government Act, 1888, provides that the number of aldermen shall be one-third of the number of councillors.

Change of name of electoral division.—There is no express provision in the Local Government Act, 1888, in regard to the change of name of an electoral division, and it would, therefore, seem that a change of name can only be effected in connection with the alteration of the boundary of an electoral division.

Local inquiry.—Section 54 (1) of the Local Government Act, 1888, requires the Local Government Board to direct a local inquiry to be held before they make an order in the matter of a representation under that section for the alteration of the boundary of an electoral division.

Orders of Local Government Board.—The annual reports of the Local Government Board show that many Orders have been made by the Board in pursuance of representations under s. 54 (1) (e) of the Local Government Act, 1888, altering the boundaries of electoral divisions, and that, in a number of cases, the Orders have provided for the alteration of the number of county councillors.

The following extracts from Orders of the Local Government Board altering the number of county councillors and the number and boundaries of electoral divisions, show the manner in which such divisions should be described, and indicate the nature of the provisions made in such Orders for altering the number of councillors, the retirement of additional aldermen, the alteration of county registers, etc. It will be observed that where the boundaries of electoral divisions follow streets, foot-paths, streams, and railways, they are taken along the *middle* thereof.

EXTRACT FROM ORDER DATED FEBRUARY 18th, 1904,
RELATING TO THE COUNTY OF HERTFORD.

Article I.—This Order shall come into operation on the next ordinary day of election of county councillors, except that for the purposes of the county register to be made in pursuance of the County Electors Act, 1888, or of any Act amending that Act, and of all proceedings preliminary or relating to the next

triennial election of county councillors, the Order shall be deemed to come into operation on the date hereof.

Article II.—Subject to the provisions of section 54 of the Act, the following provisions shall have effect :

1. The number of county councillors for the county shall be increased from fifty-four to sixty, of which number two shall be apportioned to the borough of Hemel Hempsted and fifty-three shall be apportioned to so much of the county as is not included in any borough, and our Order dated the fourteenth day of August, one thousand eight hundred and eighty-eight, shall be deemed to be altered and shall have effect accordingly.
2. The Barnet electoral division shall cease to exist, and the area comprised in that division, which area is co-extensive with the urban district of Barnet, shall be divided into two electoral divisions as follows :
 - (a) The Chipping Barnet electoral division, to consist of the parishes of Chipping Barnet and Hadley.
 - (b) The South Mimms electoral division, to consist of the parish of South Mimms urban.
3. The East Barnet electoral division shall cease to exist, and the area comprised in that division, which area is co-extensive with the urban district of East Barnet Valley, shall be divided into two electoral divisions as follows :
 - (a) The East Barnet electoral division, to consist of the East Barnet ward and the New Barnet ward of the urban district.
 - (b) The Barnet Vale electoral division, to consist of the Hadley ward and the Lyonsdown ward of the urban district.
4. The Aldbury and Northchurch electoral divisions shall cease to exist, and the area comprised in those divisions shall be formed into a new electoral division to be called the Aldbury and Northchurch electoral division.
5. The boundaries of the Hadham and Sawbridgeworth electoral divisions shall be altered by the transfer of the parishes of Thorley and High Wych from the Sawbridgeworth electoral division to the Hadham electoral division.

6. The boundaries of the Great Amwell and Hoddesdon electoral divisions shall be altered as follows :

- (a) By the transfer of the parish of Hoddesdon Rural from the Hoddesdon electoral division to the Great Amwell electoral division.
- (b) By the transfer from the Great Amwell electoral division to the Hoddesdon electoral division of the area formerly part of the parish of Great Amwell which was included in the parish of Hoddesdon urban by the County of Hertford (Hoddesdon, etc.) Confirmation Order, 1894.

7. The Cheshunt and Waltham Cross electoral divisions shall cease to exist, and the area comprised in those divisions, which area is co-extensive with the urban district of Cheshunt, shall be formed into three electoral divisions as follows :

- (a) The Cheshunt Northern electoral division, to consist of that part of the urban district which is bounded as follows, that is to say, by a line commencing at the point at which a line passing along the middle of the footpath leading from Cadmore's Lane to Hooksmarsh Bridge intersects the eastern boundary of the urban district, thence proceeding in a westerly and north-westerly direction along the middle of the said footpath and Cadmore's Lane to the junction of Cadmore's Lane with Cheshunt Street, thence proceeding in a south-westerly direction along the middle of Cheshunt Street to the junction of Cheshunt Street with Church Lane, thence proceeding along the middle of Church Lane to the junction of Church Lane with the footpath leading to the church path, thence proceeding along the middle of the said footpath to the junction of the said footpath with the church path, thence proceeding in a south-westerly direction along and thereafter following the middle of the said church path and Burygreen Road to the junction of Burygreen Road with the footpath leading to Theobald's Lane, thence proceeding along the middle of the said last-mentioned footpath to the junction of the said footpath with

Theobald's Lane, thence proceeding in a south-westerly direction along the middle of Theobald's Lane, Old Park Ride, and the footpath in continuation thereof to the western boundary of the urban district, thence proceeding in a north-westerly direction along and thereafter following the said boundary to the point which is first hereinbefore mentioned.

- (b) The Cheshunt Central electoral division, to consist of that part of the urban district which is bounded as follows, that is to say, by a line commencing at the point at which a line passing along the middle of the footpath leading from Cadmore's Lane to Hooksmarsh Bridge intersects the eastern boundary of the urban district, thence proceeding in a westerly and north-westerly direction along the middle of the said footpath and Cadmore's Lane to the junction of Cadmore's Lane with Cheshunt Street, thence proceeding in a south-westerly direction along the middle of Cheshunt Street to the junction of Cheshunt Street with Church Lane, thence proceeding along the middle of Church Lane to the junction of Church Lane with the footpath leading to the church path, thence proceeding along the middle of the said footpath to the junction of the said footpath with the church path, thence proceeding in a south-westerly direction along and thereafter following the middle of the said church path and Burygreen Road to the junction of Burygreen Road with the footpath leading to Theobald's Lane, thence proceeding along the middle of the said last-mentioned footpath to the junction of the said footpath with Theobald's Lane, thence proceeding in a north-easterly direction along the middle of Theobald's Lane to the junction of Theobald's Lane with Crossbrook Street, thence proceeding in a south-easterly direction along the middle of Crossbrook Street to the junction of Crossbrook Street with Marsh Lane, thence proceeding along the middle of Marsh Lane to the eastern boundary of the said urban district at Marsh Bridge, thence proceeding in a northerly direction along and

thereafter following the said boundary to the point which is first hereinbefore mentioned.

- (c) The Cheshunt Southern electoral division, to consist of that part of the urban district which is not comprised in the Cheshunt Northern and Cheshunt Central electoral division.
- 8. The Harpenden and Saint Albans (rural) electoral divisions shall cease to exist, and the area comprised in those divisions shall be formed into three electoral divisions as follows :
 - (a) The Harpenden electoral division, to consist of the area comprised in the Harpenden urban district.
 - (b) The Redbourn electoral division, to consist of the parishes of Harpenden Rural, Redbourn, Saint Michael Rural, and Saint Stephen.
 - (c) The Saint Peter Rural electoral division, to consist of the parish of St. Peter rural.

* * * * *

Article III.—An election of the two county aldermen to be added to the number of county aldermen for the county, in consequence of the alteration made by this Order in the number of county councillors for the county, shall take place at the next ordinary day of election of county aldermen; and the two county aldermen elected at such election shall come into office immediately after such election, and one of such two county aldermen shall retire from office on the ordinary day of election of county aldermen in the year One thousand nine hundred and seven, and the other of such county aldermen shall retire from office on the ordinary day of election of county aldermen in the year One thousand nine hundred and ten. The county council shall determine by ballot which of such two county aldermen shall retire in the year One thousand nine hundred and seven.

Article IV.—The clerk to the county council shall, if and when necessary, cause the county register to be altered in such manner as may be requisite to give effect to the provisions of this Order.

EXTRACT FROM ORDER DATED JULY 3RD, 1901, RELATING
TO THE COUNTY OF MIDDLESEX.

Article I.—This Order shall come into operation on the date hereof.

Article II.—Subject to the provisions of section 54 of the Act the follow provisions shall have effect :

1. The number of county councillors for the county of Middlesex shall be increased from fifty-two to fifty-four, and the above-cited Order dated the fourteenth day of August, One thousand eight hundred and eighty-eight, shall accordingly have effect as if no alteration had been made as regards the number therein specified.
2. The Willesden East electoral division shall be altered so that the area at present comprised in that division shall be divided into two electoral divisions, to be termed respectively the Kensal Green electoral division and the Willesden East electoral division, and those two electoral divisions shall respectively consist of areas described hereunder ; namely—
 - (a) The Kensal Green electoral division shall comprise the Kensal Green ward of the urban district of Willesden.
 - (b) The Willesden East electoral division shall comprise the Willesden Green ward of the said urban district.
3. The existing Finsbury Park and Hornsey electoral divisions shall be abolished and the area comprised in those electoral divisions shall be formed into three new electoral divisions as follows :—
 - (a) The Finsbury Park electoral division to consist of the Finsbury Park and Stroud Green wards of the urban district of Hornsey.
 - (b) The Haringey electoral division to consist of the North Haringey and the South Haringey wards of the said urban district.
 - (c) The Hornsey electoral division to consist of the Hornsey ward of the said urban district.

Article III.—The county councillors who at the date hereof represent respectively the existing Finsbury Park, Hornsey, and Willesden East electoral divisions of the county of Middlesex shall continue in office for the period for which they would have continued in office if this Order had not been made, and shall be deemed to have been elected respectively

for the Finsbury Park, Hornsey and Kensal Green electoral divisions which are formed by this Order.

Article IV.—An election of a county councillor shall, within one calendar month from the date when this Order comes into operation, or within such further time as We may allow, take place in each of the Haringey and Willesden East electoral divisions formed by this Order. The date of each of such elections shall be fixed by the returning officer at such election, and the elections shall be held by the same persons and in the same manner as elections to fill casual vacancies; and the county councillors elected at such elections shall come into office immediately after such elections, and shall hold office for the same period as if they had been elected at the last triennial election of county councillors in the county of Middlesex.

Article V.—The clerk to the county council shall, if and when necessary, cause the county register to be altered in such manner as may be requisite to give effect to the provisions of this Order.

PART XXIII.—ELECTRIC LIGHTING.*

Statutory provisions.—The principal statutory provisions of the general law relating to the supply of electricity in England and Wales are contained in the following Acts, which were passed to facilitate and regulate the supply of electricity for lighting and other purposes :

ELECTRIC LIGHTING ACT, 1882 (45 & 46 Vict. c. 56).

ELECTRIC LIGHTING ACT, 1888 (51 & 52 Vict. c. 12); and

ELECTRIC LIGHTING (CLAUSES) ACT, 1899 (62 & 63 Vict. c. 19).

The last-mentioned Act enacts that the provisions contained in the Schedule to that Act shall be incorporated with and form part of every Provisional Order made by the Board of Trade after October 1st, 1899, under the Electric Lighting Acts, save so far as they are expressly varied or excepted by the Order, and shall, subject to any such variations or exceptions, apply, so far as applicable, to the undertaking authorised by the Order. These provisions are also, with the necessary modifications, to be incorporated with any special Act, save so far as they are expressly varied or excepted thereby (s. 1). Except so far as any of the provisions referred to are incorporated with any Provisional Order made by the Board of Trade under the Electric Lighting Acts or with any special Act extending to the county of London, the Act is not to apply to that county (s. 2 (2)).

The London Electric Lighting Areas Act, 1904 (4 Edw. 7, c. 13), provided for the adjustment in accordance with changes of boundary effected under the London Government Act, 1899, of the areas within which local authorities and companies were authorised to supply electricity.

In addition to the above statutes, there are many local Acts which confer powers on various local authorities and companies in relation to the supply of electrical energy.

Powers of local authorities.—In pursuance of the Electric Lighting Act, 1882, local authorities, comprising in this

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition, "Encyclopædia of Local Government Law," vol. iii. pp. 89—127. "Encyclopædia of Forms and Precedents," vol. xv. "Wills on Electric Lighting."

designation, the common council of the city of London, the London county council, the metropolitan borough councils, town councils, urban district councils, and rural district councils (see s. 31 and schedule of Act of 1882, ss. 5, 7, of City of London Sewers Act, 1897, s. 4 of the London Government Act, 1899, and s. 21 of the Local Government Act, 1894), may be authorised by license or by Provisional Order or by special Act to supply electricity for public or private purposes within any area, although the same or some part thereof may not be included within their own district (ss. 2, 3, 4).

Local authorities who are authorised to supply electricity are empowered to borrow money and to appropriate land for the purpose (s. 8 of the Act of 1882 and s. 8 of the Act of 1889).

In the absence of a license, order, or special Act, the only power possessed by any such local authority (outside the administrative county of London) under the general law, with respect to the supply of electricity, would be that conferred by the first paragraph of s. 161 of the Public Health Act, 1875. Under that enactment, an urban authority, that is, a town council or urban district council, may contract with any company or person for the supply of electricity for lighting the streets, markets, and public buildings in their district. The powers of this section are not available to a rural district council unless the enactment has been put in force in the contributory place in which the streets, etc., to be lighted are situated in pursuance of an order of the Local Government Board made under s. 276 of the Act referred to.

A parish council are not a local authority for the purposes of the Electric Lighting Act, 1882. If, however, the Lighting and Watching Act, 1883, were duly adopted in a parish having a parish council, it would be competent to such council under s. 57 of the Act to enter into a contract to take electricity from any person or body entitled to supply it; but, presumably, they would have no power to lay mains for the distribution of electricity or to supply it to private consumers. For further information as to the powers of a parish council under the last-mentioned Act, see under Part XXVIII., "Gas."

Applications for Provisional Orders or Licenses.—Applications for Provisional Orders or licenses to enable local authorities to carry out works for the supply of electricity for public or private purposes should be made to the Board of Trade (a) (45 & 46 Vict. c. 56, ss. 2 and 4). With regard to applications for licenses, it may be pointed out that these are now very seldom granted by the Board of Trade. According to Parliamentary Paper No. 208 (1905), 378 orders were made by the Board of Trade during the five years (1900–1904) as against only one license, which was made in 1902, and has since been revoked.

The sanction of the Local Government Board is not necessary to the expenditure incurred by a local authority in obtaining a Provisional Order or license under the Electric Lighting Act, 1882, or in opposing an application for such an Order or license (s. 7).

The Local Government Board do not consider that they are empowered to sanction a loan to defray the costs incurred by a local authority in obtaining a Provisional Order or license under the Electric Lighting Act, 1882.

Wiring of premises of private consumers.—The Local Government Board state that they have consulted the Board of Trade upon the question of wiring, etc., the premises of private consumers of electrical energy, and that they have been informed that the view of that department is that undertakers are authorised by their Orders to lay down such electric lines as may extend from the mains to the consumers' terminals and, if required, to supply the meter, but that there is nothing in the Orders or in the Electric Lighting Acts which empowers the undertakers to execute any works on the consumers' premises beyond the terminals.

Having regard to this view, the Local Government Board do not, in the absence of special local Act powers, entertain applications for sanction to loans for the execution of works beyond the consumers' terminals or the meter in houses to which electricity is to be supplied.

(a) Communications should be addressed to the Assistant Secretary, Electric Lighting Department, Board of Trade, Whitehall, London, S.W.

Borrowing powers.—Section 8 of the Electric Lighting Act, 1882, provides (*inter alia*) as follows :

“ A local authority authorised to supply electricity by any license, order, or special Act may from time to time borrow money on such security, with such consent and subject to such provisions and restrictions with respect to borrowing and the repayment of loans, as are in the Schedule to this Act in that behalf mentioned, and the money so borrowed shall be deemed to be borrowed under the enactments subject to the provisions and restrictions of which it is borrowed . . . ”

This provision makes the borrowing of money by local authorities (outside the administrative county of London) for the purposes of the Electric Lighting Act, 1882, subject to ss. 233, 234, and 236—239 of the Public Health Act, 1875; and, therefore, the sanction of the Local Government Board is required to any such borrowing. Apart from this enactment, there are many local Acts which confer borrowing powers on local authorities for electric lighting purposes.

The borrowing of money by metropolitan borough councils for the purposes of the Act of 1882 is subject to the restrictions contained in ss. 183—191 of the Metropolis Management Act, 1855, and, consequently, to the sanction of the London County Council (s. 40 (8) of the Local Government Act, 1888).

Periods for repayment of loans.—The following periods are allowed by the Local Government Board for the repayment of loans sanctioned by them for purposes of electric lighting.

PURCHASE OF FREEHOLD LAND . . .	60 years
WORKS	various periods up to 25 „

It appears to be the practice of the Board in the case of a loan for an electric lighting scheme to allow for the repayment of the loan an equated period based on the terms which they consider appropriate to the various classes of work included in the estimate.

Loans sanctioned by Local Government Board.—The Annual Reports of the Local Government Board show that,

during the ten years, 1897—1906 (inclusive), loans were sanctioned by that Board under the Electric Lighting Act, 1882, to the local authorities of the following places :—

BOROUGHES.

Accrington.	Chester.	Hove.
Ashton-under-Lyne.	Chesterfield.	Huddersfield.
Aston Manor.	Chorley.	Ilkeston.
Bangor.	Colchester.	Ipswich.
Barnsley.	Colne.	Keighley.
Barnstaple.	Coventry.	Kendal.
Barrow-in-Furness.	Crewe.	King's Lynn.
Bath.	Croydon.	Kingston - upon -
Batley.	Darlington.	Hull.
Bedford.	Darwen.	Kingston - upon -
Beverley.	Derby.	Thames.
Bexhill.	Devonport.	Lancaster.
Birkenhead.	Dewsbury.	Leeds.
Blackburn.	Doncaster.	Leicester.
Blackpool.	Dudley.	Leigh (Lancs.).
Bolton.	Ealing.	Lincoln.
Bootle.	Eastbourne.	Liverpool.
Bournemouth.	East Ham.	Longton.
Bradford (Yorks.).	Eccles.	Lowestoft.
Bridlington.	Exeter.	Luton.
Brighton.	Faversham.	Maidenhead.
Bristol.	Gillingham.	Maidstone.
Burnley.	Gloucester.	Manchester.
Burslem.	Gravesend.	Middlesborough.
Burton-upon-Trent.	Great Yarmouth.	Middleton.
Bury.	Grimsby.	Morecambe.
Bury St. Edmunds.	Hanley.	Morley.
Canterbury.	Harrogate.	Neath.
Cardiff.	Hastings.	Nelson.
Carlisle.	Hereford.	Newcastle-under-
Carnarvon.	Heywood.	Lyme.
Cheltenham.	Hornsey.	Newport (Mon.).

BOROUGHES—*continued*.

Nottingham.	Southend-on-Sea.	Walsall.
Oldham.	Southport.	Warrington.
Ossett.	South Shields.	Wednesbury.
Peterborough.	Stafford.	West Bromwich.
Plymouth.	Stockport.	West Ham.
Portsmouth.	Stockton-on-Tees.	West Hartlepool.
Pudsey.	Stoke-upon-Trent.	Weymouth and Mel-
Rawtenstall.	Sunderland.	combe Regis.
Reigate.	Sutton Coldfield.	Whitehaven.
Rochdale.	Swansea.	Wigan.
Rotherham.	Swindon.	Wimbledon.
Ryde.	Taunton.	Wolverhampton.
St. Helens (Lancs.).	Todmorden.	Worcester.
Salford.	Torquay.	Worthing.
Sheffield.	Tunbridge Wells.	Wrexham.
Shrewsbury.	Tynemouth.	York.
Southampton.	Wakefield.	

URBAN DISTRICTS (OTHER THAN BOROUGHES).

Acton.	Colwyn Bay and	Grays Thurrock.
Aldershot.	Colwyn.	Hebden Bridge.
Atherton.	Cromer.	Heckmondwike.
Barking Town.	Dartford.	Heston and Isle-
Barnes.	Dorking.	worth.
Barry.	Ebbw Vale.	Holyhead.
Beckenham.	Elland.	Honley.
Bexley.	Epsom.	Horsham.
Birstal.	Erith.	Hoylake and West
Bridgend.	Fareham.	Kirby.
Brierfield.	Farnworth.	Ilford.
Briton Ferry.	Felixstowe and	Kettering.
Buxton.	Walton.	Leek.
Clacton.	Finchley.	Leyton.
Cleckheaton.	Frome.	Littleborough.

URBAN DISTRICTS (OTHER THAN BOROUGHS)—*continued*.

Llandilo.	Rhyl.	Tottenham.
Llandudno.	Rugby.	Walker (c).
Llanelly.	St. Annes-on-the-Sea.	Wallasey.
Long Eaton.	Sale.	Walthamstow.
Malvern.	Shipley.	Waterloo-with-Sea-
Mexborough.	Sleaford.	forth.
Nuneaton and Chil-	Stourbridge.	Watford.
vers Coton (a).	Stretford.	Wellingborough.
Pemberton (b).	Surbiton.	Whitby.
Pontypridd.	Swinton and	Willesden.
Radcliffe.	Pendlebury.	Worksop.
Redditch.	Tonbridge.	

Applications for sanction to loans.—An application by a local authority for the sanction of the Local Government Board to a loan under the Electric Lighting Act, 1882, for establishing an electric light undertaking should be accompanied by the following particulars :

- (1) A copy of a resolution of the local authority directing application to be made (d) ;
- (2) A copy of the Electric Lighting Order or Board of Trade license in force ;
- (3) Plans and sections of any proposed buildings, together with a general plan showing the positions of all the proposed works, distributing mains, and the limits of the district to be lighted by the installation (e) ;
- (4) Information as to the type of generator to be used, the power of the engine (steam or gas) to be erected, the method to be adopted for dividing the current, and the kind of lamp to be used ;
- (5) A detailed estimate of the cost of the scheme (f) ;

(a) Became a Municipal Borough on November 9, 1907.

(b) Now included in the Borough of Wigan.

(c) Now included in the City of Newcastle-on-Tyne.

(d) See also "RESOLUTIONS," p. 8.

(e) See also "PLANS," p. 6.

(f) No form is supplied by the Local Government Board for this purpose. The estimate should be prepared under such heads as "land," "cables" (which should be described), "switchboards and switches," "dynamoes," "wiring,"

- (6) Particulars (in Form K, No. 2) as to the assessable value and existing debt of the district (a) ;
- (7) Where land is to be purchased for the purposes of the scheme, it should be stated whether a provisional agreement has been entered into for its purchase. If, however, land already vested in the local authority is to be used for the purpose, the particulars indicated on the following page as to the APPROPRIATION OF LAND should be supplied ; and
- (8) Evidence (b) that the approval of the Board of Trade has been obtained to the system proposed to be adopted.

In cases in which the local authority intend to contract for the supply of energy, the information indicated in (4) will, of course, not be necessary ; but a copy of the agreement proposed to be entered into should be forwarded.

Where a loan is required for extensions of works, the existing and proposed works should be shown on the plans in distinctive colours ; and, where machinery is to be provided in connection with an existing undertaking, a description and detail drawings of the machinery should be furnished.

The local authority should be prepared to lay before the inspector at the local inquiry which it is customary for the Local Government Board to direct to be held before giving a decision upon such applications, evidence to show that the demand for electric light is such as to justify the carrying out of the proposed scheme ; and, when the works are in connection with an existing undertaking, full and detailed information showing the financial results of the undertaking should be supplied to the inspector. This should include particulars as to consumption, charges for private and public lighting, etc. In connection with any proposal for the lighting of public streets by electricity, the question of the relative cost of lighting by electricity and by gas should receive careful consideration.

"steam engines," "transformers," "instruments," "motors," "lamp pillars," "batteries and accumulators," "meters and indicators," "arc lamps," "gas generators," "gas engines," and "contingencies."

(a) See also "FORMS," p. 5.

(b) *E.g.* a copy of the document conveying the approval of the Board of Trade.

The Board do not sanction loans for such purposes as the provision of spare parts, incandescent lamps, and hand tools; and, accordingly, items of this kind should not be included in estimates of cost for which a loan is desired.

They are, however, willing to entertain applications for sanction to borrow money for prospective expenditure on sub-stations, transformers, mains, meters, and *house services* (where the local authority are authorised to undertake such services), limited to a period not exceeding three years and based on a careful estimate of what is likely to be required for the period in question. Any such application should be accompanied by (1) a copy of a resolution of the local authority directing it to be made, (2) a copy of the estimate which should show the probable expenditure for each class of work, (3) a description of the method of laying the house services, if this is contemplated, and (4) a statement as to the period for which it is expected that the sum will suffice. In sanctioning loans for expenditure of this character, it is the practice of the Board to request that, when the money has been expended, they may be furnished with full details of the expenditure (a) together with a map of the district showing, as regards mains, where these have been laid.

Appropriation of land.—Section 8 (1) of the Schedule to the Electric Lighting (Clauses) Act, 1899, enacts as follows:—

“Where a local authority are the Undertakers the following provisions shall have effect:

“Subject to the provisions of the Special Order and the
“principal Act the Undertakers may acquire by purchase or on lease and use any lands for the purposes
“of the Special Order, and may also for those purposes
“use any other lands for the time being vested in or
“leased by them, but subject as to the last-mentioned
“lands to the approval of the Local Government Board,
“and may dispose of any lands acquired by them under
“the provisions of this section which may not for the
“time being be required for the purposes of the Special
“Order: Provided that the amount of land so used by
“them shall not at any one time exceed in the whole five
“acres except with the consent of the Board of Trade.”

(a) A form is supplied for this purpose (K, No. 152).

An application by a local authority to the Local Government Board in pursuance of this enactment for their approval of the appropriation of land should be accompanied by—

- (1) A copy of a resolution of the authority directing the application to be made;
- (2) Plans *in duplicate* (on tracing cloth) of the land to be appropriated.

NOTE.—The boundary of the land might conveniently be shown by a hard line of colour, the outer edge representing the precise boundary; and

- (3) Information as to the superficial area of the land and as to (a) when, (b) under what statutory authority, and (c) for what purpose the land was acquired and why it is no longer needed for that purpose. If it was purchased by means of a loan, particulars as to the loan should be supplied.

Parliamentary and other papers (a).—The following reports and returns on the subject of electric lighting have been issued since 1898:

REPORT respecting the applications to and proceedings of the Board of Trade under the Electric Lighting Acts, 1882 to 1902, during the past year (b).

RETURN of units delivered and average price charged by local authorities and companies in the Metropolitan Police District for power and heating, private lighting and public lighting respectively, during their last completed year of account. [5. 1908. *1d.*]

RETURN relating to authorised electricity supply undertakings in the United Kingdom belonging to local authorities. [310. 1902.]

Similar RETURN relating to undertakings of companies. [311. 1902.]

RULES in relation to applications for licenses or Provisional Orders, etc., made by the Board of Trade in pursuance of s. 5 of the Electric Lighting Act, 1882. [1899. 7. *Sess. 2.*]

(a) As to where Parliamentary Papers may be obtained, see under Part XLVI. "PARLIAMENTARY AND OTHER PAPERS."

(b) This Report is made annually.

REPORT from the Joint Select Committee of the House of Lords and House of Commons on Electrical Energy (Generating Stations and Supply); with the proceedings, evidence, appendix, and index. [1898. 213.]

RETURN showing the names of companies or persons who have obtained Acts conveying powers for the supply of electrical power to districts, with the names and areas of such districts; and the year in which such powers were obtained, and whether such powers have been exercised or not; and in the former case, what is the state of the works constructed under such powers. [1904. 259.]

RETURN prepared by the London County Council relating to the electricity supply undertakings established in the county of London by borough councils and companies under the provisions of the Electric Lighting Acts, 1882 and 1888, containing an analysis of the accounts for the year ended 31st March, 1906,
31st December, 1905 together with statistics as to the area of supply, capacity, output, charges, average price obtained, etc., in respect of each undertaking. [No. 1038. Price 6s. (a).]

(a) May be purchased from Messrs. P. S. King & Son, Great Smith Street, Westminster, S.W.

PART XXIV.—EMIGRATION.*

I.—EMIGRATION OF ORPHAN OR DESERTED PAUPER CHILDREN TO CANADA.

Statutory provisions.—The chief statutory provisions of the English general law relating to the emigration of orphan or deserted pauper children are contained in s. 4 of the Poor Law Amendment Act, 1850 (13 & 14 Vict. c. 101); and the *emigration* of such children to Canada is specially regulated by the two under-mentioned Colonial statutes :

AN ACT to regulate the Immigration into *Manitoba* of Certain Classes of Children (60 Vict. c. 1).

AN ACT to regulate the Immigration into *Ontario* of Certain Classes of Children (Bill No. 65. 60 Vict.).

Section 4 of the POOR LAW AMENDMENT ACT, 1850, is as follows :—

“ It shall be lawful for the guardians of any union or parish, “ in like manner and subject to the same regulations, limitations, and restrictions, as are contained in the said last-mentioned Act [*i.e.* 12 & 13 Vict. c. 103], but with the “ consent in writing of the guardian or the majority of the “ guardians of the parish of the chargeability in place of “ the parish of the settlement, transmitted as therein specified, “ to expend money in and about the emigration of any poor “ orphan or deserted child under the age of sixteen years “ having no settlement, or the place of whose settlement shall “ not be known, who may be chargeable to some parish in “ their union or to their parish respectively, and such guardians “ shall charge the expense so incurred to the same parish to “ which such orphan or deserted child was chargeable at the “ time of the emigration; and where any such orphan or “ deserted child shall be chargeable to the common fund of “ any union, the guardians of such union shall have the same “ powers subject to the same conditions to procure or assist in

* BIBLIOGRAPHY.—Lumley's “Public Health,” latest edition. “Encyclopædia of Local Government Law,” vol. iv. p. 138.

“procuring the emigration of any such last-mentioned orphan
 “or deserted child as they have with regard to poor persons
 “rendered irremovable by virtue of the Poor Removal Act,
 “1846. Provided always, that no emigration of any such
 “orphan or deserted child, under any of the above-mentioned
 “powers, shall take place until such orphan or deserted child
 “shall have consented thereto before the justices assembled in
 “petty sessions holden in or near to the union or parish the
 “guardians whereof propose to procure such emigration, and a
 “certificate of such consent, under the hands of two of the
 “justices present thereat, shall have been transmitted to the
 “Poor Law Board ” (a).

Circular letters, etc., of Local Government Board.—The under-mentioned memorandum and circular letters have been issued or are circulated by the Local Government Board with reference to the emigration of orphan or deserted children to Canada :

- (1) MEMORANDUM OF CONDITIONS, dated April, 1888, upon which the Board assent to the emigration of such children to Canada.
- (2) CIRCULAR LETTER, dated 20th January, 1898, with respect to children going to the Province of Ontario.
- (3) CIRCULAR LETTER, dated 19th April, 1898, with respect to children going to the Province of Manitoba.
- (4) CIRCULAR LETTER, dated 20th April, 1898, as to cost of inspection of children sent out to Canada.
- (5) CIRCULAR LETTER, dated 19th December, 1898, forwarding to boards of guardians a copy of a dispatch from the Lieut.-Governor of Ontario and of a letter from the agent for that Province at Liverpool, with regard to the application of s. 12 of the Act relating to emigration into Ontario.
- (6) CIRCULAR LETTER, dated 3rd March, 1903, drawing the attention of boards of guardians to the desirability of more activity in the direction of emigrating poor law children to Canada.
- (7) MEMORANDUM, dated December, 1907, prepared by the Emigrants' Information Office.

(a) Now the Local Government Board. See s. 2 of the Local Government Board Act, 1871.

Application to Local Government Board to authorise expenditure.—An application by a board of guardians to the Local Government Board to authorise expenditure for the emigration of orphan or deserted children to Canada should be accompanied by:

- (1) A copy of a resolution of the guardians (in Form 59A) together with the information required to be given in that form (a);
- (2) A copy of a medical report and certificate as to each child in the terms of condition numbered 5 in the memorandum of conditions, dated April, 1888;
- (3) A certificate (b) by two of the justices present in Petty Sessions that the child has consented before them to the emigration, as required by s. 4 of the Poor Law Amendment Act, 1850.
- (4) A cheque for the amount due under the scale set out in the circular letter of the Local Government Board, dated 20th April, 1898 (b), to cover the cost of annual inspections in Canada (other than the first) up to the age of fifteen. *The cheque must be crossed Bank of England and made payable to the order of H. C. Monro, and*
- (5) With respect to each child going to the Province of—
 - (i) MANITOBA, a definite assurance of the guardians, as required by the Board's circular letter of the 19th April, 1898 (b), that the Act regulating the immigration into Manitoba of certain classes of children will in no way be contravened.
 - (ii) ONTARIO, a definite assurance of the guardians, as required by the Board's circular letter of 20th January, 1898 (b), that (subject to the interpretation of s. 12 of the Act referred to in their circular

(a) Copies of this form are supplied by the Local Government Board on request.

(b) For form of certificate, see *post*.

letter of 19th December, 1898) (a), the Act regulating the immigration into Ontario of certain classes of children will in no way be contravened.

NOTE.—Applications for the issue of orders authorising expenditure of this nature should be made to the Board *at least* a month before the date of the proposed emigration (see the last paragraph of their circular letter dated 20th April, 1898) (a).

Form of certificate by Justices.—No form has been prescribed for the certificate to be given by two Justices of the Peace under s. 4 of the Poor Law Amendment Act, 1850; but the following form will be found sufficient for the purpose:—

FORM OF CERTIFICATE.

The Poor Law Amendment Act, 1850, s. 4.

(13 & 14 Vict. c. 101).

We, the undersigned, being two of His Majesty's Justices of the Peace, acting in and for the county of _____, sitting in Petty Sessions assembled at the _____, in the said county, do hereby certify that _____, aged _____ years, at present maintained at _____, in the county of _____, has consented before us to emigrate to Canada.

As witness our hands this _____ day
of _____, 19 ____.

Justices of the Peace for the county of _____

Expenditure authorised.—It appears from the 36th Annual Report of the Local Government Board (1906—1907), p. 402, that the following amounts were authorised by the Board to be expended by Boards of Guardians out of the poor rate for the emigration of children to Canada during the ten years ended December 31, 1906—

(a) A copy is contained in the Appendix.

Year.	Amount of Expenditure.	Number of Children.
	£	
1897 . .	1019	85
1898 . .	1054	78
1899 . .	1962	143
1900 . .	2471	173
1901 . .	2601	174
1902 . .	2088	141
1903 . .	5826	398
1904 . .	5581	374
1905 . .	7571	491
1906 . .	6742	441

According to a reply given by the President of the Local Government Board to a question in the House of Commons on 15th April, 1907, the Board during 1906 also authorised expenditure in respect of the emigration to Canada of 255 other children, by orders relating to the emigration of persons with their families.

II. EMIGRATION OF OTHER PERSONS.

Statutory provisions.—The principal statutory provisions of the general law relating to the emigration of persons (other than orphan or deserted children) are contained in the under-mentioned enactments :—

POOR LAW AMENDMENT ACT, 1834 (4 & 5 Wm. 4, c. 76, ss. 62, 63) ;

POOR LAW AMENDMENT ACT, 1844 (7 & 8 Vict. c. 101, s. 29) ;

POOR LAW AMENDMENT ACT, 1848 (11 & 12 Vict. c. 110, s. 5) ;

POOR LAW AMENDMENT ACT, 1849 (12 & 13 Vict. c. 103, ss. 14, 20) ;

POOR LAW AMENDMENT ACT, 1876 (29 & 30 Vict. c. 113, s. 9) ;

DIVIDED PARISHES AND POOR LAW AMENDMENT ACT, 1876 (39 & 40 Vict. c. 61, s. 22) ;

LOCAL GOVERNMENT ACT, 1888 (51 & 52 Vict. c. 41, s. 69 (1) (d) ; and

REFORMATORY AND INDUSTRIAL SCHOOLS ACT, 1891 (54 & 55 Vict. c. 23 s. 1).

Under s. 69 (1) of the Local Government Act, 1888, a county council are empowered to borrow, with the consent of the Local Government Board, for making advances to any persons or bodies of persons, corporate or unincorporate, in aid of the emigration or colonisation of the inhabitants of the county, with a guarantee for repayment of such advances from any local authority in the county or the Government of any colony. It would, however, appear from the annual reports of the Local Government Board that no loan had been sanctioned by that Board to a county council for this purpose up to the end of 1906.

Application to Local Government Board to authorise expenditure.—An application by a board of guardians to the Local Government Board for an order authorising expenditure proposed to be incurred by them in connection with the emigration of persons (other than orphan or deserted children) should be accompanied by:—

- (1) A copy of a resolution of the guardians in the matter (in Form 30A) (a).
- (2) A list and description (in Form 32A) of the intending emigrants (a).
- (3) A statement as to whether any such person is in the Army or Naval Reserve; and
- (4) In the case of proposed emigration to—
 - (i) INDIA, a copy of a letter from the Secretary of State for India, stating that he sees no objection to the emigration.
 - (ii) CANADA, a copy of a letter from the High Commissioner for Canada to the like effect.
 - (iii) OTHER CROWN COLONIES, a copy of a letter from the Agent-General to the like effect.
 - (iv) UNITED STATES, a copy of a letter from the United States Ambassador, stating that there will be no

(a) Copies of this form are supplied by the Local Government Board on request.

objection on the part of the United States Government to the landing of the intending emigrant. It will apparently be necessary to show that the pauper is a citizen of the United States, having regard to the law prohibiting the landing of aliens in that country who have not means to support themselves.

Expenditure authorised.—The following table shows the extent to which the Local Government Board, during the ten years (1897—1906), authorised expenditure by boards of guardians out of the poor rate for the purpose of assisting persons other than orphan or deserted children to emigrate:—

Year.	Amount of Expenditure.	Number of Persons.
	£	
1897 . .	128	14
1898 . .	115	12
1899 . .	111	21
1900 . .	168	17
1901 . .	188	21
1902 . .	308	47
1903 . .	445	66
1904 . .	652	77
1905 . .	2512	317
1906 . .	3236	498

The destination of most of the emigrants thus assisted was Canada, while the remainder went to Australia, New Zealand, South Africa and other places. In 1906, 479 went to Canada, 4 to Australia, 10 to New Zealand, and 8 to South Africa (see 36th Annual Report of Local Government Board, p. cxxviii.).

PART XXV.—EXPENSES OF RURAL DISTRICT COUNCILS.*

Statutory Provisions.—Section 29 of the Local Government Act, 1894, regulates the mode of defraying the expenses of a rural district council. That section is as follows :—

“The expenses incurred by the council of a rural district shall, subject to the provisions of this Act, be defrayed in manner directed by the Public Health Act, 1875, with respect to expenses incurred in the execution of that Act by a rural sanitary authority, and the provisions of the Public Health Acts with respect to those expenses shall apply accordingly.

“Provided as follows :—

“(a) Any highway expenses shall be defrayed as general expenses :

“(b) When the Local Government Board determine any expenses under this Act to be special expenses and a separate charge on any contributory place, and such expenses would if not separately chargeable on a contributory place be raised as general expenses, they may further direct that such special expenses shall be raised in like manner as general expenses, and not by such separate rate for special expenses as is mentioned in section two hundred and thirty of the Public Health Act, 1875 :

“(c) A district council shall have the same power of charging highway expenses under exceptional circumstances on a contributory place as a highway board has in respect of any area under section seven of the Highways and Locomotives (Amendment) Act, 1878 :

* **BIBLIOGRAPHY.**—Lumley's "Public Health," latest edition. "Encyclopedia of Local Government Law," vol. ii. pp. 513—523.

“(d) Where highway expenses would, if this Act had not passed, have been in whole or in part defrayed in any parish or other area out of any property or funds other than rates, the district council shall make such provision as will give to that parish or area the benefit of such property or funds by way of reduction of the rates on the parish or area.”

The provisions of the Public Health Acts so applied are contained in ss. 229 and 230 of the Public Health Act, 1875, and s. 49 of the Public Health Acts (Amendment) Act, 1890. Section 229 of the Act of 1875, which divided the expenses into general and special expenses, specified what are to be general and what special expenses, and defined the area chargeable with special expenses, is in the following terms:—

“The expenses incurred by a rural authority in the execution of this Act shall be divided into general expenses and special expenses.

“General expenses (other than those chargeable on owners and occupiers under this Act) shall be the expenses of the establishment and officers of the rural authority, the expenses in relation to disinfection, the providing conveyance for infected persons, and all other expenses not determined by this Act or by order of the Local Government Board to be special expenses.

“Special expenses shall be the expenses of the construction maintenance and cleansing of sewers in any contributory place within the district, the providing a supply of water to any such place, and maintaining any necessary works for that purpose, if and so far as the expenses of such supply and works are not defrayed out of water rates or rents under this Act, the charges and expenses arising out of or incidental to the possession of property transferred to the rural authority in trust for any contributory place, and all other expenses incurred or payable by the rural authority in or in respect of any contributory place within the district, and determined by order of the Local Government Board to be special expenses.

“Where the rural authority make any sewers or provide any water supply or execute any other work under this Act for the common benefit of any two or more contributory

“places within their district, they may apportion the expense
 “of constructing any such work, and of maintaining the same,
 “in such proportions as they think just, between such con-
 “tributory places, and any expense so apportioned to any such
 “contributory place shall be deemed to be special expenses
 “legally incurred in respect of such contributory place.

“The overseers of any contributory place, if aggrieved by
 “any such apportionment, may, within twenty-one days
 “after notice has been given to them of the apportionment,
 “send or deliver a memorial to the Local Government Board
 “stating their grounds of complaint, and the said Board may
 “make such order in the matter as to it may seem equitable,
 “and the order so made shall be binding and conclusive on all
 “parties concerned.

“General expenses shall be payable out of a common fund
 “to be raised out of the poor rate of the parishes in the district
 “according to the rateable value of each contributory place in
 “manner in this Act mentioned.

“Special expenses shall be a separate charge on each con-
 “tributory place.

“The following areas situated in a rural district shall be
 “contributory places for the purposes of this Act; that is
 “to say,

“(1) Every parish not having any part of its area within
 “the limits of a special drainage district formed in
 “pursuance of the Sanitary Acts or of this Act, or of
 “an urban district; and

“(2) Every such special drainage district as aforesaid; and

“(3) In the case of a parish wholly situated in a rural
 “district, and part of which forms or is part of any
 “such special drainage district as aforesaid, such
 “portion of that parish as is not comprised within
 “such special drainage district; and

“(4) In the case of a parish a part of which is situated
 “within an urban district, such portion of that parish
 “as is not comprised within such urban district, or
 “within any such special drainage district as afore-
 “said.”

Section 230 of the Act of 1875 prescribes the manner in
 which the contributions in respect of both general and
 special expenses are to be raised.

Section 49 of the Act of 1890 is as follows :

“The Local Government Board may by order on the application of any rural authority declare any expenses incurred by such authority to be special expenses within the meaning of sections two hundred and twenty-nine and two hundred and thirty of the Public Health Act, 1875.”

Power of Local Government Board to determine expenses to be special expenses.—The power conferred upon the Local Government Board by s. 229 of the Public Health Act, 1875, did not enable them to declare to be special expenses any expenses incurred by a rural district council under that Act which are expressly declared to be general expenses, namely the expenses of the establishment and officers of the rural district council and the expenses in relation to the disinfection and providing conveyance for infected persons.

But s. 49 of the Public Health Acts Amendment Act, 1890, empowers the Board, on the application of a rural district council, to declare any expenses of such council to be special expenses. It will be observed, however, that this section of the Act of 1890 is only in force where so much of Part III. of that Act as is applicable to rural authorities has been adopted or where the section has been put in force by an order of the Board in pursuance of s. 5 of the Act.

Further, under s. 29 (b) of the Act of 1894, the Board, in determining any expenses of a rural district council under that Act to be special expenses and a separate charge on any contributory place, where such expenses would, if not separately chargeable on a contributory place, be raised as general expenses, may direct that such special expenses shall be raised in like manner as general expenses.

Applications for Special Expenses Orders.—Applications by rural district councils to the Local Government Board to issue orders declaring expenses to be chargeable as special expenses should, in all cases, be accompanied by the following particulars :

- (1) A copy of a resolution of the council directing the application to be made.

NOTE.—The resolution should specify the contributory place or places on which it is proposed that the expenses should be charged as special expenses.

- (2) A statement of the grounds on which the application is based :

In cases of applications under s. 49 of the Public Health Acts Amendment Act, 1890, it should further be stated whether so much of Part III. of the Act as is applicable to rural authorities (which includes s. 49) has been adopted by the rural district council, or by their predecessors, or whether the section has been put in force by an order of the Local Government Board under s. 5 of the Act. A reference to the date of the adoption or order (as the case may be) should be given.

A rural district council will not be in a position to make an application for an order determining as special, expenses which cannot be declared special under the limited powers conferred by s. 229 of the Act of 1875, but only under the extended powers conferred by s. 49 of the Act of 1890, unless the last-mentioned section is in force. If, therefore, the section is not already in force, the rural district council should take the necessary steps for putting it in force (either by adoption of Part III., or by applying for an order under s. 5) *before* passing a resolution requesting the Local Government Board to issue an order declaring the expenses to be chargeable as special expenses.

In connection with applications for special expenses orders as regards the purposes hereinafter dealt with, the additional particulars indicated should be furnished.

I. HIGHWAY IMPROVEMENTS.

1. Information as to whether the rural district council succeeded a highway board or surveyors of highways.

2. If it is proposed to purchase any land for the purpose of widening, opening, enlarging, or otherwise improving any street or forming a new street, it should be stated :

(i.) Whether the council have been invested with the powers of an urban authority under s. 154 of the Public Health Act, 1875, in relation to the improvement, or whether the improvement is to be effected in pursuance of an agreement under s. 3 of the Highways and Bridges Act, 1891; and

(ii.) Whether provisional agreements have been entered into for the acquisition of all the land required.

3. A plan or plans of the improvement contemplated (a).

4. Information as to :

(i.) Whether s. 49 of the Public Health Acts Amendment Act, 1890, is in force; and

(ii.) Whether the council desire that the expenses, if declared to be special, should be raised in like manner as general expenses.

5. If it is proposed to charge the expenses on more than one contributory place, the amount which is to be charged to each contributory place should be mentioned.

If the council intend to raise a loan to defray the cost of the scheme, the particulars required in connection with applications to the Local Government Board for sanction to borrow money for purposes of street improvement should also be forwarded.

II. REMUNERATION OF OFFICERS FOR EXTRA SERVICES.

(1) Information as to whether s. 49 of the Act of 1890 is in force.

(2) If it is proposed to charge the remuneration on more than one contributory place the amount which, it is desired, should be charged to each contributory place should be stated.

It is the practice of the Local Government Board in cases in which it is proposed to grant additional remuneration to officers of rural district councils for extra services, where the salaries of such officers are subject to their sanction (*e.g.*

(a) See also "PLANS," p. 6.

clerks to such authorities, who hold their office by virtue of being clerks to rural sanitary authorities at the "appointed day" referred to in the Local Government Act, 1894, and Medical Officers of Health, and Inspectors of Nuisances appointed under the General Order of the Board, dated March 23rd, 1891), to suggest that the additional remuneration should take the form of an increase of salary for a specified period, say three months, which must be wholly prospective, that is to say, it must not commence sooner than the date of the resolution of the council awarding the increase. This temporary increase of salary in the special cases referred to above will also require the sanction of the Board; and, accordingly, a copy of such resolution together with a statement giving precise particulars of the services rendered should be forwarded to the Board with a request for their sanction to the proposal.

Any such increase of salary would be chargeable as a general expense of the rural district council in the absence of an order of the Local Government Board declaring it to be a special expense; and such an order could only be issued in pursuance of an application under s. 49 of the Public Health Acts Amendment Act, 1890. Attention is therefore drawn to the preceding remarks as to what is necessary before making an application under that section.

III. SCAVENGING.

The resolution of the rural district council should describe in the language of s. 42 of the Public Health Act, 1875, the precise work in respect of which it is desired that the expenses should be declared to be special expenses.

Information should also be furnished as to whether the council undertake or contract for similar work in any other contributory place, and, if so, how the expenses are charged.

Expenses of sewage disposal works.—The Local Government Board take the view that special expenses, as defined by s. 229 of the Public Health Act, 1875, do not extend to the expenses of providing and maintaining works of sewage

disposal, and that an order under the section referred to must be made by them before these expenses can be charged as special expenses.

Such orders are frequently embodied by the Board in their instruments sanctioning the borrowing of money by rural district councils for purposes of sewage disposal, a provision to the following effect being inserted :

“ And we do hereby determine that the expenses incurred or
“ payable by the said council in respect of the pro-
“ vision, maintenance and management of works of
“ sewage disposal shall be special expenses within the
“ meaning of the said Public Health Act, 1875, and
“ shall be charged as such on the said contributory
“ place.”

Where a sanction to a loan has been issued in this form, no further order will be required as regards the expense of any subsequent works of sewage disposal.

Preliminary expenses of sewerage and water schemes.—

Where works of sewerage or water supply are carried out in a rural district, the preliminary expenses incurred by the rural district council in connection with the scheme are chargeable as special expenses without an order of the Local Government Board declaring them to be so chargeable; but where the works have not been carried out, the preliminary expenses will be chargeable as general expenses unless an order determining them to be special expenses is made by the Board under s. 229 of the Public Health Act, 1875. In connection with an application for such an order, it should be stated what are the exceptional reasons for charging the expenses upon the particular contributory place for the benefit of which the works were proposed to be executed.

Limitation of charge to part of contributory place.—

The Local Government Board are not empowered to declare expenses incurred by a rural district council to be chargeable on part only of a contributory place. If, therefore, it is desired that the cost of work should be charged on an area which at present forms part of a contributory place, this object

can apparently only be accomplished in the three following ways:

- (1) By the formation of the area into a new civil parish;
or
- (2) By the conversion of the area into an urban district;
or
- (3) By the constitution of a special drainage district for the area in question.

The two first-mentioned courses of procedure are matters in the first instance for the consideration of the county council; as to the third course, see the remarks under Part LXII., "Special Drainage Districts."

Expenses of works for common benefit of contributory places.—The provisions of s. 229 of the Act of 1875, which relate to the apportionment of the expenses of constructing works for the common benefit of two or more contributory places have been set out at length above.

It will be seen that the Local Government Board have no jurisdiction in regard to an apportionment of expenses under this section except in the case of an appeal by the overseers made in accordance with the provisions of the section.

The memorial of the overseers should be on paper of foolscap size, and *must*, as required by the section, state the ground of complaint.

Where a rural district council propose to raise a loan under the Public Health Act, 1875, with the sanction of the Local Government Board in respect of works which will be for the common benefit of two or more contributory places, they should apportion the estimated cost of such works between the contributory places concerned, and should when applying for sanction to the loan, forward to the Board copies of the notices of apportionment endorsed, in each case, with the date of service on the overseers.

It would seem desirable that the apportionment should definitely fix the amount to be borrowed in respect of each contributory place. It must not, however, include the cost of

any works which will be for the *exclusive* benefit of any of such contributory places. If there are any such works included in the scheme, a detailed statement should be furnished showing how the total amount proposed to be borrowed in respect of each contributory place is made up. The statement should distinguish the works intended for the exclusive benefit of the contributory place.

PART XXVI.—FIRE BRIGADE PURPOSES.*

Statutory provisions.—The principal provisions of the general law affecting the powers, etc., of local authorities in England and Wales (outside London) in relation to the prevention and extinction of fires are contained in the under-mentioned statutes :—

LIGHTING AND WATCHING ACT, 1833 (3 & 4 Wm. 4, c. 90) ;

TOWN POLICE CLAUSES ACT, 1847 (10 & 11 Vict. c. 89) ;

POOR LAW AMENDMENT ACT, 1867 (30 & 31 Vict. c. 106) ;

PUBLIC HEALTH ACT, 1875 (38 & 39 Vict. c. 55) ;

LOCAL GOVERNMENT ACT, 1894 (56 & 57 Vict. c. 73) ; and

PARISH FIRE-ENGINES ACT, 1898 (61 & 62 Vict. c. 38).

PUBLIC HEALTH ACTS AMENDMENT ACT, 1907, Part VIII. (a)
(7 Edw. 7, c. 53).

Apart from these statutes, there are many Local Acts which confer powers on local authorities in regard to fire brigade purposes.

Powers of urban authority.—The powers of an urban authority (outside London)—that is to say, of a town council or urban district council—are chiefly derived from s. 66 of the Public Health Act, 1875, and the provisions with respect to fires in ss. 30—33 of the Town Police Clauses Act, 1847, which are made applicable to urban authorities by s. 171 (2) of the Public Health Act, 1875.

Section 66 of the PUBLIC HEALTH ACT, 1875, enacts as follows :

“Every urban authority shall cause fire-plugs and all
“necessary works machinery and assistance for securing an

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopedia of Local Government Law," vol. iii. pp. 259—285.

(a) This part of the Act of 1907 is not in force in any district unless and until declared to be in force by an Order of the Secretary of State made under s. 8 of the Act.

“efficient supply of water in case of fire to be provided and maintained, and for this purpose they may enter into any agreement with any water company or person; and they shall paint or mark on the buildings and walls within the streets words or marks near to such fire-plugs to denote the situation thereof, and do such other things for the purposes aforesaid as they may deem expedient.”

The provisions of the TOWN POLICE CLAUSES ACT, 1847, with respect to fires are contained in ss. 30—33.

Sections 30 and 31 impose penalties for wilfully setting chimneys on fire and for accidentally allowing chimneys to catch fire.

Section 32 relates to the provision of fire-engines and firemen, and is as follows :

“The Commissioners may purchase or provide such Engines for extinguishing Fire, and such Water Buckets, Pipes, and other Appurtenances for such Engines, and such Fire Escapes and other Implements for Safety or Use in case of Fire, and may purchase, keep, or hire such Horses for drawing such Engines as they think fit, and may build, provide, or hire Places for keeping such Engines with their Appurtenances, and may employ a proper Number of Persons to act as Firemen, and may make such Rules for their Regulation as they think proper, and give such Firemen and other Persons such Salaries and such Rewards for their Exertions in Cases of Fire, as they think fit.”

Section 33 enables the fire-engines so provided and their appurtenances and firemen to be sent beyond the limits of the urban district and deals with the charges to be made for the services so rendered.

The provisions of s. 171 of the Public Health Act, 1875, are dealt with under Part LXVI., “Urban Powers.”

Where s. 90 of the Public Health Acts Amendment Act, 1907, has been put in force in any district by the Secretary of State (a), the local authority of the district, and the local authority of any urban or rural district, or the parish council of any parish may enter into and carry into effect agreements

(a) See note (a) *ante*, p. 346.

for the common use of any fire engines with their appurtenances and firemen, or for mutual assistance in case of fire.

Powers of rural district council.—The provisions of the Public Health Act, 1875, and the incorporatedⁿ enactments above referred to apply only to urban district councils; but it is competent to the Local Government Board by an order made in pursuance of an application under s. 276 of the Public Health Act, 1875, or s. 25 (7) of the Local Government Act, 1894, to invest a rural district council with the powers of an urban authority under those provisions and enactments.

With respect to applications for the powers of s. 66 of the Act of 1875, it should be stated whether there are works in the contributory place for which the powers are desired which would be available for the purposes of the section, and whether there is a fire-engine in or near the contributory place, the use of which could be obtained in case of need.

The terms of this section are imperative and, consequently, if the section is put in force, it will be incumbent on the rural district council to comply with its requirements.

Where application is made for an order investing the rural district council with the powers of an urban authority under the provisions of the Town Police Clauses Act, 1847, with respect to fires which are incorporated with the Public Health Act, 1875, by s. 171 (2) of that Act, it should be stated, as respects each contributory place to which the application relates, (a) whether any, and, if so, what fire extinguishing plant has been provided for the parish under s. 29 of the Poor Law Amendment Act, 1867, or under s. 44 of the Lighting and Watching Act, 1833, or under the Parish Fire Engines Act, 1898; (b) whether the contributory place has a public water supply; and (c) what are the proposals of the rural district council in the event of the powers being granted.

The above remarks should be read in conjunction with the general instructions under Part LXVI., "Urban Powers," with reference to applications for powers of an urban authority.

The powers of a rural district council to make agreements

under s. 90 of the Act of 1907, for the common use of fire appliances have been referred to above.

Powers of Parish Council.—By virtue of s. 6 (1) (c) (ii) of the Local Government Act, 1894, the powers, duties, and liabilities of the overseers of a rural parish having a parish council, with respect to the provision of a fire-engine, fire-escape, or matters relating thereto are now vested in the parish council. The powers, etc., of the overseers in regard to these purposes were derived from s. 29 of the Poor Law Amendment Act, 1867, which enacted that—

“If the vestry of any parish where there is no town council, local board, or other authority competent to provide the same, after due notice, shall resolve that the overseers shall provide any fire-engine, ladder, or fire-escape, for general use in the parish, the overseers shall provide the same, and pay out of the poor rate the cost thereof, and of procuring a proper place wherein to keep the same, and of maintaining it as well as any such engine, ladder, or escape acquired by the parish in any other manner for such use, in a fit state of repair, and the charges of such persons as may be necessary for the use thereof, and the cost of suitable implements and accoutrements.”

As the powers to which the parish council thus succeeded only enable them to provide a fire-engine, etc., where there is no other authority competent to provide the same, it will be necessary for a parish council, if they propose to proceed under s. 29 of the Poor Law Amendment Act, 1867, to ascertain (a) whether the rural district council have been invested by an order of the Local Government Board with the powers of an urban authority under the provisions of the Town Police Clauses Act, 1847 (ss. 30—33), which are incorporated with the Public Health Act, 1875, by s. 171 (2) of that Act; (b) whether the rural district council have acted upon the order and, if so, to what extent; and (c) whether the rural district council are willing that the order should be rescinded, for, if such an order has been made, it will be necessary to rescind it before the parish council will be in a position to take action under s. 29 of the Act of 1867. In the event of an application being

made to the Board to rescind any such order, information on the above points together with a copy of the correspondence which has passed between the parish council and the rural district council on the subject should be furnished.

A rural district council are empowered by s. 11¹ of the Local Government Act, 1894, to delegate to a parish council such of their powers as may be delegated to a parochial committee under s. 202 of the Public Health Act, 1875; and this would enable a rural district council who had been invested, in respect of a parish having a parish council, with the powers conferred by s. 171 (2) of that Act to delegate these powers to the parish council.

A parish council are also empowered under s. 44 of the LIGHTING AND WATCHING ACT, 1833, where that Act has been adopted and they are the authority for its execution—"from "time to time to provide and keep up fire-engines, with pipes "and other utensils proper for the same, for the use of the "parish adopting the provisions of this Act, and to provide a "proper place or places for the keeping of the same, and to "place such engines under the care of some proper person or "persons, and to make him or them such allowance for his or "their trouble as may be thought reasonable, and the expenses "attending the providing and keeping of such engines shall be "paid out of the money authorised to be received by the "[council] under the provisions of this Act."

As to the procedure for the adoption of the Lighting and Watching Act, 1833, see Part XXVIII., "Gas."

In considering whether proceedings should be taken under s. 29 of the Poor Law Amendment Act, 1867, or under s. 44 of the Lighting and Watching Act, 1833, it should be borne in mind that, under the latter Act, land is assessed at one-fourth only (see s. 33), and that expenditure by the parish council under the first-mentioned enactment would be subject to the provisions of s. 11 (3) of the Local Government Act, 1894. Moreover, the Lighting and Watching Act can be adopted for a part only of the parish, whereas fire-engines and appliances can only be provided under s. 29 of the Act of 1867 for general use in the parish.

The power of a parish council to provide a fire-engine for their parish under the enactments referred to was extended by s. 1 of the PARISH FIRE-ENGINES ACT, 1898. That section is in the following terms:—

“(1) The power of a parish council under section twenty-nine of the Poor Law Amendment Act, 1867, or section forty-four of the Lighting and Watching Act, 1833, as respectively amended by sections six and seven of the Local Government Act, 1894, to provide a fire-engine for their parish shall include power to agree with the council of any neighbouring borough or district that any fire-engines with their appurtenances and firemen provided by the council of that borough or district shall be used for extinguishing fires in the parish.

“(2) Where a fire-engine is sent beyond the limits of a borough or district in pursuance of any such agreement, the owner of the lands or buildings where the fire occurred shall not by reason thereof be liable for any expense or charge under section thirty-three of the Town Police Clauses Act, 1847.”

The powers of a parish council to enter into agreements under s. 90 of the Public Health Acts Amendment Act, 1907, for the common use of fire appliances have been dealt with *ante*, p. 347.

It is doubtful whether a parish council have power themselves to provide and maintain fire hydrants and other works for facilitating the supply of water to fire-extinguishing plant; but it would be competent to the parish council under s. 25 (7) of the Local Government Act, 1894, to make application to the Local Government Board for an Order investing the rural district council with the powers of s. 66 of the Public Health Act, 1875, in respect of the parish.

Borrowing powers.—The borrowing of money by town councils and urban district councils under the general law for purposes connected with the extinction of fires is subject to the provisions of ss. 233 and 234 of the Public Health Act, 1875 (*a*), which (*inter alia*) require the sanction of the Local Government Board to be obtained to the borrowing. The borrowing

(a) The provisions of these sections are set out in Part X., “Borrowing.”

of money by a parish council for such purposes is subject to the provisions of s. 12 of the Local Government Act, 1894 (*a*). Under that section the consents of the county council and the Local Government Board are necessary to the borrowing; and the consent of the parish meeting to the incurring by the parish council of expenses or liabilities which will involve a loan is also required in pursuance of s. 11 of that Act (*a*).

The borrowing powers conferred by the Public Health Act, 1875, are, of course, available to rural district councils who have been invested with the powers of an urban authority under s. 66 or s. 171 (2) of that Act.

Many urban authorities also possess special borrowing powers under local Acts for fire brigade purposes.

Periods for repayment of loans.—It appears from the Report of the Select Committee on Repayment of Loans (1902) and the annual reports of the Local Government Board that the following periods are usually allowed by the Board for the repayment of loans sanctioned by them for purposes connected with the extinction of fires:—

Purchase of freehold land	. . .	60 years.
Buildings (stone or brick)	. . .	30 „
Sheds	. . . . .	10–20 „
Hydrants	. . . . .	20 „
Fire-engines, escapes, ladders, etc.	. . .	10 „
Telephonic communication for fire extinguishing purposes, alarms, call bells, etc.		10 „

Applications for sanction to loans.—I. URBAN AUTHORITIES.
An application by an urban authority for the sanction of the Local Government Board to the borrowing of money for fire brigade purposes should be accompanied by:

- (1) A copy of a resolution of the authority directing the application to be made (*b*);

(*a*) The provisions of these sections are set out under Part X., "Borrowing."

(*b*) See also "RESOLUTIONS," p. 8.

- (2) Plans, sections, and elevations of any proposed buildings, and a map of the district showing by colour the position of the site (a) ;
- (3) A photograph, sketch, or drawing, together with the maker's priced specification of any fire appliances to be provided ;
- (4) A certificate by the council's surveyor that the plans of any proposed buildings comply in all respects with the byelaws (if any) in force ;
- (5) A detailed estimate of the cost of the scheme (b) ;
- (6) Information, with regard to the site of any proposed building, as to whether a provisional agreement has been entered into for its acquisition. If, however, the site already vests in the local authority, it should be stated when, under what statutory authority, and for what purpose the land was acquired ; and
- (7) Particulars (in Form K, No. 2) as to the assessable value and existing debt of the district (c).

An application for sanction to a loan for providing *hydrants* should be accompanied by :—

- (1) A copy of a resolution of the authority directing the application to be made ;
- (2) A map of the district showing by colour where the hydrants are to be placed (a) ;
- (3) A description and drawing of the hydrant ;
- (4) A statement showing how the amount proposed to be borrowed is made up ; and
- (5) Particulars in (Form K, No. 2), as to the assessable and existing debt of the district (c).

It would seem that the Local Government Board regard screw-down hydrants as preferable to ball hydrants.

In any case in which a loan is required for *telephonic communication, fire alarms, etc.*, a plan illustrating the proposed

(a) See also "PLANS," p. 6.

(b) See also "ESTIMATES," p. 4.

(c) See also "FORMS," p. 5.

system should be furnished, and it should be stated if the authority have ascertained whether any license from the Postmaster-General is necessary, and, if so, whether such license has been obtained. The Board do not sanction the borrowing of money for the provision of uniforms for firemen.

II. PARISH COUNCILS.—In connection with an application by a parish council for the consent of the Local Government Board to the borrowing of money for fire brigade purposes, it should be stated whether the parish council are proceeding under s. 44 of the Lighting and Watching Act, 1833, or under s. 29 of the Poor Law Amendment Act, 1867, as applied by section 6 (1) (c) (ii) of the Local Government Act, 1894; and the application should be accompanied by the following particulars, so far as they are applicable:—

- (1) A copy of a resolution of the parish council directing the application to be made (*a*);
- (2) A copy of the resolution of the parish meeting (signed by the chairman) consenting to the parish council incurring the expenses or liabilities for which the loan is required;
- (3) A copy of the document conveying the consent of the county council to the loan;
- (4) Plans, sections, and elevations of any proposed building, and a map of the parish showing by colour the position of the site (*b*);
- (5) A certificate by the surveyor of the rural district council that the plans comply with the byelaws (if any) in force in the parish;
- (6) A photograph, sketch, or drawing, together with the maker's priced specification of any fire appliances to be purchased;
- (7) A detailed estimate of the cost of the scheme (*c*);
- (8) Information with regard to the site of any proposed building, as to whether a provisional agreement has been entered into for its acquisition. If, however, the site already vests in the parish council, it should

(*a*) See also "RESOLUTIONS," p. 8.

(*b*) See also "PLANS," p. 6.

(*c*) See also "ESTIMATES," p. 4.

be stated when, under what statutory or other authority, and for what purpose the land was acquired ;

- (9) Particulars (in Form K, No. 100) as to the rateable value and existing debt of the parish (a) ; and
- (10) Where the parish council are proceeding under the Lighting and Watching Act, 1833, and that Act has been adopted since the coming into operation of the Local Government Act, 1894, the under-mentioned proofs of the adoption of the Act :
- (a) A copy of the notice convening the parish meeting, endorsed with a certificate to the effect that the notice has been published in accordance with the requirements of s. 51 of the Local Government Act, 1894, and that it was published not less than fourteen days before the date of the parish meeting ;
 - (b) A copy of the resolution passed by the parish meeting, signed by the chairman of the meeting ; and
 - (c) A statement as to the number of parochial electors who voted for the resolution, the number who voted against it, and the number present at the meeting.

If a poll was demanded on the question whether the Act should be adopted, it should be stated :

- (i) Whether the requirements of the General Order of the Local Government Board, dated the 5th day of February, 1895, as to polls were complied with, and
- (ii) What number of votes were given for the adoption, what number against the adoption, and what was the total number of parochial electors in the parish or in the part of the parish (as the case may be).

If, however, the Lighting and Watching Act was adopted before the coming into operation of the Local Government Act, 1894, the following proofs of the adoption of the Act should, where possible, be furnished :—

- (a) A copy of the application made by the ratepayers under s. 5 of the Act of 1833 ;

- (b) A copy of the notice convening the public meeting of the ratepayers;
- (c) A certificate or other evidence that the notice was affixed and published in accordance with the requirements of the section referred to;
- (d) A copy of the resolution passed by the meeting;
- (e) A statement as to the number of ratepayers who voted for the resolution, the number who voted against it, and the number present at the meeting.

If a poll was demanded on the question whether the Act should be adopted, it should be stated—

- (i) Whether the requirements of ss. 9 and 10 of the Act were complied with;
- (ii) What number of votes was given for the adoption, what number against it, and what was the total number of ratepayers of the parish or part of the parish.

Parliamentary Papers (a).—The following are the most important reports and returns which have been issued in recent years with regard to fire brigades outside London:—

FIRE BRIGADES AND FIRES, 1903.—Return showing as regards each county in England and Wales: (i) name of urban or rural district; (ii) rateable value of district in 1903; (iii) acreage; (iv) population in 1901; (v) district, parish, or other area for which fire brigade provided and name of brigade; (vi) nature of brigade; (vii) number of members; (viii) appliances; (ix) amount paid from rates in 1903; (x) fires known to have occurred in district, attended or not attended by fire brigade belonging to district; (xi) estimated loss of property by fires—(a) buildings, (b) contents; (xii) personal injuries; (xiii) deaths; (xiv) remarks. [*Cd.* 2,914. 1906. *Price* 2s. 3d.]

REPORTS FROM THE SELECT COMMITTEES appointed to inquire and report as to the existing arrangements for the provision of Fire Brigades (including both staff and

(a) As to how such papers may be obtained, see Part XLVI., "PARLIAMENTARY AND OTHER PAPERS."

appliances) in England and Wales, excepting the Metropolitan Fire Brigade; the adequacy of such arrangements for the due protection of life and property from destruction or injury from fire; and the Amendments, if any, which are necessary or desirable in the Law on the subject. [No. 303 (1899). *Price* 2s. 5d. No. 278 (1900). *Price* 6½d.]

INDEX AND DIGEST OF EVIDENCE to the Report on Fire Brigades (Session, 1899). [No. 303—*Ind.* (1899). *Price* 5d.]

RETURN prepared by the Local Government Board, dated 27th July, 1899, showing (1) the Names of the Town Councils, Urban District Councils, Rural District Councils, Parish Councils, and Lighting Inspectors, who, as shown by the Local Taxation Returns, incurred expenditure in the Year ended March, 1898, in respect of Fire Brigades; (2) the Names of such Brigades; (3) the total strength of each Brigade; and (4) whether the Brigade is supported wholly or only partly out of the rates. [No. 299 (1899). *Price* 3d.]

PART XXVII.—FOOTPATHS (NOT AT THE SIDE OF PUBLIC ROADS).*

Powers of parish council.—Section 13 (2) of the Local Government Act, 1894, provides as follows:—

“A parish council may, subject to the provisions of this Act with respect to restrictions on expenditure, undertake the repair and maintenance of all or any of the public footpaths within their parish, not being footpaths at the side of a public road, but this power shall not nor shall the exercise thereof relieve any other authority or person from any liability with respect to such repair or maintenance.”

This enactment is permissive only, and does not impose any duty on the parish council in the matter, while it expressly provides that the grant or exercise of the power conferred on the parish council shall not relieve any other authority or person from any liability with respect to the repair and maintenance of such footpaths as those referred to.

As to the question of the liability of persons to repair and maintain footpaths of this character, attention is drawn to the remarks of Lord Russell, C. J., in giving judgment in the case of *Rundle v. Hearle* [(1898) 2 Q. B. 83; 67 L. J. Q. B. 741; 78 L. T. 561; 46 W. R. 619; 14 T. L. R. 440].

It will also be observed that the power conferred on a parish council by this section is limited to “repair and maintenance” of public footpaths within the parish, not being footpaths at the side of a public road. A parish council are, however, empowered by s. 8 (1) (g) of the Local Government Act, 1894, to acquire by agreement any right of way, whether within their parish or an adjoining parish, the acquisition of which is beneficial to the inhabitants of the parish or any part thereof.

* BIBLIOGRAPHY.—Lumley’s “Public Health,” latest edition. “Encyclopædia of Local Government Law,” vol. iii. pp. 403 *et seq.* “Encyclopædia of Forms and Precedents,” vol. vi. pp. 401—405.

Where a public right of way has been unlawfully stopped or obstructed, it is competent to the parish council to make a representation to the rural district council on the subject under s. 26 (4) of the Act of 1894; and if that council refuse or fail to take any proceedings in consequence of such representation, then the parish council may petition the county council, who may transfer the powers and duties of the district council under the section to themselves.

Powers of other local authorities.—The powers of local authorities other than parish councils with respect to public footpaths not at the side of public roads would seem to depend upon whether the footpath is a highway repairable by the inhabitants at large. If so repairable, a town council, urban district council, or rural district council would be able to repair and maintain the footpath in the exercise of their powers as the highway authority.

The council of a borough or other urban district may, however, apply to the Local Government Board for an order under s. 33 of the Local Government Act, 1894, investing them with the powers of a parish council under s. 13 (2) of the Act; these powers have been granted in many cases. Any application for the powers should be accompanied by a copy of a resolution of the council directing it to be made, and should fully explain the circumstances under which it is made.

Views of Local Government Board.—The Local Government Board do not ordinarily advise as to the persons or authority liable for the repair, etc., of particular footpaths or gates, stiles, and footbridges on such footpaths, but they have expressed the opinion, speaking generally, that where an existing gate or stile on a public footpath, not being a footpath at the side of a public road, is in so defective a state as to render it necessary for the enjoyment by the public of their right of using the path that such gate or stile should be repaired, the parish council can under s. 13 (2) of the Local Government Act, 1894, effect such repair. And, similarly, with regard to bridges, if they form part of the

footpath so that their maintenance and repair are essential to the proper use of the footpath, it is competent to the parish council to undertake their repair and maintenance. They, however, point out that it rests with the district auditor, in the first instance, to decide as to the legality of any item of expenditure which may be incurred by the parish council.

The Board have further stated that they are not aware of any provision empowering a parish council to compel any person or persons to put proper and suitable gates, stiles, and footbridges on public footpaths.

PART XXVIII.—GAS.*

Statutory provisions.—The principal provisions of the general law conferring powers on local authorities in England and Wales (outside London) in relation to the supply of gas are contained in the under-mentioned statutes :—

1. *In Urban Districts.*

The PUBLIC HEALTH ACT, 1875, ss. 161–163 ; and the GAS AND WATER WORKS FACILITIES ACTS, 1870 and 1873, as incorporated with that statute by s. 161.

2. *In Rural Districts.*

LIGHTING AND WATCHING ACT, 1833 (3 & 4 Wm. 4, c., 90), as amended by the LOCAL GOVERNMENT ACT, 1894 (56 & 57 Vict. c. 73).

Powers of urban authority.—The powers of an urban authority, that is to say, a town council or urban district council under the general law with respect to gas purposes, are derived from ss. 161–163 of the Public Health Act, 1875.

Section 161 empowers an urban authority to *contract* with any person for the supply of gas or other means of lighting the *streets, markets, and public buildings* in their district, and to provide lamps, lamp-posts, and other materials and apparatus for lighting the same ; it also enables the authority in certain cases to undertake to supply gas for public and private purposes, and for this purpose to obtain from the Local Government Board a Provisional Order under the Gas and Water Works Facilities Acts, 1870 and 1873.

Section 162 enables an urban authority with the sanction of the Local Government Board to purchase the undertaking of a gas company ; while s. 163 supersedes the Lighting and Watching Act, 1833, in urban districts.

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. iii. pp. 289–339. "Encyclopædia of Forms and Precedents," vol. xv. Michael and Wills' "Law of Gas and Water." Reeson's "Complete Gas and Water Acts."

Powers of rural district council.—The Local Government Board are empowered by an Order made in pursuance of an application under s. 276 of the Public Health Act, 1875, or s. 25 (7) of the Local Government Board Act, 1894, to invest a rural district council with the powers of an urban authority under the first-mentioned Act with respect to lighting as regards any contributory place or places in their district.

It would, however, appear from the tables contained in the annual reports of the Local Government Board that it is not the practice of the Board to put s. 162 of the Public Health Act, 1875, in force in a rural district; and that, as regard s. 161, they restrict the grant of urban powers to the first paragraph of that section. Applications to the Board for powers of an urban authority under s. 161, should accordingly be limited to the first paragraph thereof.

In connection with any such application, it should be stated whether there is any company or person with whom the rural district council could contract for the supply of gas or other means of lighting, and whether the Lighting and Watching Act, 1833, is in force in the contributory place to which the application relates. If that Act is in force, the application should extend to s. 163 of the Public Health Act, 1875, and it should also be stated by whom the Lighting and Watching Act is administered. The grounds on which it is considered that the lighting authority should be superseded and the views of such authority with reference to the proposal, if these have been ascertained, should be set out; and a copy of any correspondence which has passed between the rural district council and the lighting authority on the subject should be forwarded. Information should at the same time be furnished as to the precise manner in which it is proposed that the powers shall be exercised.

The above remarks should be read in conjunction with the general instructions in Part LXVI. with regard to applications for urban powers.

Powers of Parish Council.—A parish council have no powers with respect to lighting, except where the Lighting and

Watching Act, 1833, has been adopted, and they are the authority for the execution of that Act.

Where the Act is adopted for the whole or part of a parish, which has a parish council, that council becomes the authority for the execution of the Act by virtue of s. 7 (7) of the Local Government Act, 1894. And the parish council are also the authority for the execution of the Act where, on the appointed day referred to in the Local Government Act, 1894, the area for which the Lighting and Watching Act, 1833, was in force was co-extensive with the parish [s. 7 (5) of the Act of 1894].

The powers, duties, and liabilities of a lighting authority under the Act of 1833, which, on the appointed day, had jurisdiction in part only of a rural parish, may be transferred by that authority or a parish meeting for such part to the parish council under s. 53 (1) of the Act of 1904.

In regard to the powers of a parish council, where they are the authority for the execution of the Lighting and Watching Act, 1833, attention is specially drawn to the provisions of ss. 45 and 57 of that Act.

The former section empowers the erection by the parish council of lamp-posts and the provision of lamps, and the lighting of the same with gas, oil, or otherwise. The latter section enables a parish council to enter into contracts for the purpose.

In entering into a contract for a term of years under s. 57, the provisions of s. 15 as to the abandonment of the Act should be borne in mind. The amount to be expended each year for the purposes of the Act (which is not subject to the restrictions as to expenditure in s. 11 of the Local Government Act, 1894) must be determined by the parish meeting in accordance with s. 18; and under s. 11 (1) of the Act of 1894 the consent of the parish meeting is necessary to any expenditure by the parish council which will involve a rate exceeding three-pence in the pound in any local financial year, or which will involve a loan.

Adoption of Lighting and Watching Act, 1833.—The proceedings for the adoption of the Lighting and Watching Act,

1833, in rural parishes are regulated by the provisions of that Act as modified by ss. 7, 45, 49 and 51, and the rules contained in Part I. of the First Schedule of the Local Government Act, 1894, and by the General Orders of the Local Government Board prescribing rules under s. 48 of the last-mentioned Act for the taking of polls consequent upon demands made at parish meetings. The Orders in question are :

GENERAL ORDER, dated 5th February, 1895, *where the parish has a parish council (a).*

GENERAL ORDER, dated 15th November, 1894, *where the parish has not a parish council (a).*

By virtue of s. 7 (1) of the Local Government Act, 1894, the parish meeting possess, *exclusively*, the power of adopting the Lighting and Watching Act, 1833, in every rural parish.

The Act may be adopted for the whole or part of a parish, and either in its entirety or only so far as it relates to lighting or watching (3 & 4 Wm. 4, c. 90, ss. 71, 73 ; and 56 & 57 Vict. c. 73, s. 7 (4)).

A parish meeting for this purpose may be convened by the chairman of the parish council, or parish meeting (if the parish has not a parish council), or any two parish councillors, or any six parochial electors in accordance with the provisions of sub-s. (3) of s. 45 of the Local Government Act, 1894.

By virtue of rule (3) of Part I. of the First Schedule of the last-mentioned Act, not less than fourteen days notice must be given of any parish meeting to consider the adoption.

The Act may be adopted at a parish meeting by a majority consisting of two-thirds of the parochial electors *present* at such meeting (3 & 4 Wm. 4, c. 90, s. 8 ; and 56 & 57 Vict. c. 73, s. 7 (2)). The decision of the parish meeting will be final unless a poll is demanded before the conclusion of the meeting. A poll may, however, be demanded by any one parochial

(a) These Orders are printed amongst the Statutory Rules and Orders. See "Statutory Rules and Orders." Revised 1904. Vol. ix. Sub. Parish Council, England.

elector in the case of a resolution respecting the adoption of any of the adoptive Acts (56 & 57 Vict. c. 73, First Schedule, Part I., rules (6), (7)). In the event of a poll being taken, it must be conducted in accordance with the requirements of the General Orders of the Local Government Board to which reference has already been made.

When a poll is taken, a clear majority of the total number of the parochial electors of the parish (if it is proposed to adopt the Act for the entire parish) must vote, and two-thirds of the votes given must be in favour of the adoption of the Act (3 & 4 Wm. 4, c. 90, s. 12; and 56 & 57 Vict. c. 73, s. 7 (2)).

Where it is proposed to adopt the Act for a part of a parish, a parish meeting of parochial electors registered in respect of qualifications in such part *only* should be convened (56 & 57 Vict. c. 73, ss. 7 (4), 49); and, in the event of a poll being taken, a clear majority of the total number of parochial electors in that part must vote, and two-thirds of the votes given must be in favour of the adoption (3 & 4 Wm. 4, c. 90, ss. 12, 73; and 56 & 57 Vict. c. 73, s. 7 (2)).

In any case in which it is proposed to adopt the Act for part only of a parish, it would be well, in order that no doubt may hereafter arise as to the precise area for which the Act has been adopted, to clearly define the area in the notice convening the parish meeting; and, if the area is not a ward or some other known division of the parish, it would seem desirable to describe it by reference to an ordnance map on which the entire boundary of the area should be shown by a firm line of colour, the outer edge of the colour representing the precise boundary. If the boundary cannot be clearly shown on a map on the six-inch scale, a map on the scale of twenty-five inches to a mile should be used.

If the parish meeting or the parochial electors on a poll decide against the adoption of the Act, fresh proceedings cannot be taken for a year; and where the Act has been adopted, it cannot be abandoned until after the expiration of three years from the time when it was adopted (3 & 4 Wm. 4, c. 90, ss. 15, 16).

The consent of the Local Government Board is not necessary either to the adoption or the abandonment of the Act; but proofs of the due adoption of the Act are required by that Board where the parish council desire their consent to borrow money for lighting purposes.

Applications for Provisional Orders.—Under certain circumstances, an urban authority may, in pursuance of s. 161 of the Public Health Act, 1875, apply to the Local Government Board for a Provisional Order, under the Gas and Water Works Facilities Acts, authorising then to establish and carry on a gas undertaking; and, in connection with any such application, care should be taken to strictly comply with the special regulations and rules made by the General Order of the Board, dated September 7th, 1891 (*a*).

The Board have not issued a model form of draft Provisional Order to be submitted to them in these cases; but, in preparing the draft order, it would be well to follow as closely as the circumstances permit, the provisions of some recent Provisional Order which has been made by them authorising an urban authority to establish a gas undertaking. A list of such orders is given below, and copies of the Confirming Acts may be purchased from Wyman and Sons, Ltd., Fetter Lane, London, E.C.

Applications by gas companies for Provisional Orders under the Gas and Water Works Facilities Acts must be made to the Board of Trade.

Provisional Orders issued.—Up to the 31st December, 1907, Provisional Orders, duly confirmed by Parliament, authorising the carrying on of gas undertakings by urban authorities, had been made by the Local Government Board under the Gas and Water Works Facilities Acts as shown in the following table:—

(*a*) Copies of this Order can be obtained from the Local Government Board.

Place.	Year.	Act confirming Provisional Order.
Arlecdon and Frizington	1906	6 Edw. 7, c. cxli.
Ashburton	1899	62 & 63 Vict. c. cxiv.
Bridgnorth	1881	44 & 45 Vict. c. lxvii.
Burley-in-Wharfedale	1890	53 & 54 Vict. c. xcv.
Conway	1880	43 & 44 Vict. c. xxxiii.
Croston	1888	51 & 52 Vict. c. cxxxii.
Cudworth	1903	3 Edw. 7, c. lxxv.
Droitwich	1878	41 Vict. c. lvii.
"	1886	50 Vict. c. v (a).
"	1897	60 & 61 Vict. c. lxxvi (a).
East Dereham	1885	48 & 49 Vict. c. lix.
"	1887	50 & 51 Vict. c. lxxxiii (a).
"	1904	4 Edw. 7, c. cxxiii (a).
Ellesmere	1885	48 & 49 Vict. c. lix.
Festiniog	1883	46 & 47 Vict. c. cxxxiv.
Great Driffield	1896	59 & 60 Vict. c. cxii.
Haverhill	1885	48 & 49 Vict. c. lix.
Hucknall-under-Huckwaite	1903	3 Edw. 7, c. lxxv.
Ilkeston	1878	41 Vict. c. lvii.
"	1900	63 & 64 Vict. c. lvi (a).
Liverpool (Fazakerley)	1906	6 Edw. 7, c. cxli.
Marsden	1886	50 Vict. c. v.
"	1906	6 Edw. 7, c. cxli (a).
Meltham	1887	50 & 51 Vict. c. lxxxiii.
"	1903	3 Edw. 7, c. lxxv (a).
Neyland	1904	4 Edw. 7, c. cxxiii.
Penrith	1877	40 & 41 Vict. c. lxxiii.
"	1886	50 Vict. c. v (a).
Richmond (Yorks.)	1891	54 & 55 Vict. c. cviii.
Rothwell (Northampton)	1900	63 & 64 Vict. c. lvi.
Saffron Walden	1878	41 Vict. c. lvii.
Saint Ives (Cornwall)	1895	58 & 59 Vict. c. xcvi.
Sandwich	1896	59 & 60 Vict. c. cxii.
Selby	1891	54 & 55 Vict. c. cviii.
"	1898	61 & 62 Vict. c. xevii (a).
Shoeburyness	1901	1 Edw. 7, c. xliii.
Silsden	1877	40 & 41 Vict. c. lxxiii.
"	1902	2 Edw. 7, c. lxxxviii (a).
Skelmersdale	1876	39 Vict. c. xvii.
South Molton	1896	59 & 60 Vict. c. cxii.
Tiverton	1896	
Tow Law	1878	41 Vict. c. lvii.
Upper Sedgley	1882	45 Vict. c. clxix.
Wallingford	1899	62 & 63 Vict. c. cxiv.
Wenlock	1898	61 & 62 Vict. c. xevii.
Wilton	1888	51 & 52 Vict. c. cxxxii.
Withnell	1905	5 Edw. 7, c. lxxvii.
Wokingham	1894	57 & 58 Vict. c. xliv.
"	1899	62 & 63 Vict. c. cxiv (a).
Ynyschynhaiarn	1877	40 & 41 Vict. c. lxxiii.

(a) In these cases, the Orders were amending Orders made in pursuance of the Gas and Water Works Facilities Act, 1870, as amended by s. 12 of the Gas and Water Works Facilities Act, 1870, Amendment Act, 1873, and s. 161 of the Public Health Act, 1875. Generally, the effect of these orders was to enlarge the powers of the authority by enabling them to extend their gas undertaking, to purchase additional lands, or to do other things which they were not empowered to do under their existing Order or Orders.

Borrowing powers.—1. URBAN AUTHORITIES (outside London).

—The borrowing of money by a town council or urban district council under the general law for purposes of lighting streets, markets, and public buildings is subject to the provisions of ss. 233 and 234 of the Public Health Act, 1875, which require the sanction of the Local Government Board to be obtained to the borrowing. Where a Provisional Order is made under the Gas and Water Facilities Acts authorising an urban authority to establish and carry on a gas undertaking, such Provisional Order usually contains a provision enabling the authority, with the sanction of the Local Government Board, to borrow for the purposes of the Order.

Apart from the above-mentioned provisions, considerable borrowing powers in relation to gasworks purposes have been conferred upon various urban authorities by local Acts and Provisional Orders; in some cases, independently of the sanction of the Local Government Board, and, in others, subject to such sanction.

2. PARISH COUNCILS.—The parish council of a parish in which the Lighting and Watching Act, 1833, has been adopted, are empowered to borrow money for the purposes of that Act by s. 12 of the Local Government Act, 1894. Under that section, the consents of the county council and the Local Government Board are necessary to the borrowing; and the consent of the parish meeting to the incurring by the parish council of expenses or liabilities which will involve a loan is also required in pursuance of s. 11 of the last-mentioned Act (a).

Periods for repayment of Loans.—It would appear from the Report of the Select Committee on Repayment of Loans (1902), that the following periods are usually allowed by the Local Government Board for the repayment of loans sanctioned by them for purposes of gas undertakings and lighting streets by gas.

(a) The provisions of this section are set out on p. 129.

GAS.

Purchase of existing undertaking .	up to 30 years (a).
Gasometers	30 „
Tanks	30 „
Hydraulic mains	30 „
Condensers	30 „
Scrubbers	30 „
Mains	30 „
Governors	30 „
Coke stage	30 „
Tar well	30 „
Purifiers (boxes and covers)	20 „
Exhausters	20 „
Station meters	20 „
Washers	20 „
Sulphate plant	15 „
Benches	15 „
Photometer	15 „
Testing appliances	15 „
Stoking machinery	10 „
Meters	10 „
Cooking stoves (for hire)	10 „
Lamps and columns	10 „
Working capital	10 „
Retorts	2 „

LIGHTING STREETS.

Lamps and pillars of all kinds	10 years
Incandescent gas burners and fittings	5 „

The Local Government Board do not sanction the borrowing of money in respect of incandescent mantles.

Applications for sanction to loans.—I. URBAN AUTHORITIES.

—Applications by urban authorities for the sanction of the Local Government Board to the borrowing of money for the

(a) Subject to the maximum term specified, the period allowed in any case would, no doubt, largely depend upon the age, condition, and character of the works comprised in the undertaking.

purpose of lighting streets and for gasworks purposes should be accompanied by the particulars hereinafter indicated.

1. LIGHTING STREETS (under the Public Health Act, 1875).

- (1) A copy of a resolution of the authority directing the application to be made (*a*) ;
- (2) A drawing of one of the proposed lamps, and a map of the district showing by distinctive colours the streets to be lighted and where the lamps are to be placed (*b*) ;
- (3) Information as to the arrangements contemplated for the supply of gas or other means of lighting ;
- (4) A detailed statement showing how the amount proposed to be borrowed is made up (*c*) ; and
- (5) Particulars (in Form K, No. 2) as to the assessable value and existing debt of the district (*d*).

2. GASWORKS PURPOSES.

- (1) A copy of a resolution of the authority directing the application to be made (*a*) ;

NOTE.—The resolution should state under what local Act or Provisional Order and under what section or article thereof the application is made.

- (2) Plans and sections of the proposed works (*b*).
- (3) A detailed estimate of the cost of the works (*c*).
- (4) A statement as to what moneys have already been borrowed, and what borrowing power for the purpose is still available under the enactment.

If land is to be used for the manufacture or storage of gas, a plan (*e*) should be furnished showing the lands proposed and their extent, and if the lands are additional lands, the existing lands used for the purpose ; reference should also be given to the precise statutory enactment which enables the authority to acquire and use the land for the purpose.

(*a*) See also "RESOLUTIONS," p. 8.

(*b*) See also "PLANS," p. 6.

(*c*) See also "ESTIMATES," p. 4.

(*d*) See also "FORMS," p. 5.

(*e*) The map should not be on a less scale than 25 inches to the mile.

In connection with the proposed purchase of an existing gas undertaking, a description of the works, including information as to their age and condition, should be forwarded and, if the company have parliamentary powers, it should be stated whether they supply or can be required to supply gas outside the urban district. Where, however, the company have no parliamentary powers, a reference should be given to the local Act or Provisional Order under which the urban authority are empowered to carry on a gas undertaking. If the urban authority do not possess such powers, they should in the first instance apply to the Local Government Board for a Provisional Order under the Gas and Water Works Facilities Acts, as applied by s. 161 of the Public Health Act, 1875.

As to proposals to borrow money for prospective capital expenditure in extending mains, etc., reference may be made to the remarks on p. 326 in regard to similar expenditure for electric lighting purposes, which apply generally to loans for gas purposes.

It appears to be a requirement of the Local Government Board that gas mains, when laid in roadways, shall not be less than two feet below the surface, measuring from the top of the pipe.

II. PARISH COUNCILS.—An application by a parish council for the consent of the Local Government Board to the borrowing of money for purposes of public lighting should be accompanied by—

- (1) A copy of a resolution of the parish council directing the application to be made (a);
- (2) A copy of the resolution of the parish meeting (signed by the chairman) consenting to the parish council incurring the expenses or liabilities for which the loan is required. If a poll was demanded, the result should be stated;
- (3) A copy of the document conveying the consent of the county council to the loan;

(a) See also "RESOLUTIONS," p. 8.

- (4) A typical drawing or specification of the form of lamp to be provided, and a map of the parish or lighting district showing by distinctive colours the streets to be lighted and where the lamps are to be placed (*a*) ;
- (5) Information as to the system of lighting to be adopted and as to the agreements contemplated for the supply of the means of lighting ;
- (6) A detailed statement showing how the amount proposed to be borrowed is made up (*b*) ;
- (7) Particulars (in Form K, No. 100) as to the rateable value and existing debt of the parish (*c*) ; and
- (8) The following proofs of the due adoption of the Lighting and Watching Act ;
 - (a) A copy of the notice convening the parish meeting, endorsed with a certificate to the effect that the notice has been published in accordance with the requirements of s. 51 of the Local Government Act, 1894, and that it was published not less than fourteen days before the date of the parish meeting ;
 - (b) A copy of the resolution passed by the Parish Meeting (signed by the chairman) ;
 - (c) A statement as to the number of parochial electors who voted for the resolution, the number against it, and the number present at the meeting.

If a poll was demanded on the question whether the Act should be adopted, it should be stated—

- (i) Whether the requirements of the General Order of the Local Government Board, dated 5th February, 1895, as to polls were complied with ; and
- (ii) What number of votes was given for the adoption, what number against it, and what was the total number of parochial electors in the parish or in the part of the parish (as the case may be).

(a) See also "PLANS," p. 6.

(b) See also "ESTIMATES," p. 6.

(c) See also "FORMS," p. 5.

If, however, the Lighting and Watching Act was adopted before the coming into operation of the Local Government Act, 1894, the following proofs of the adoption of the Act should (where possible) be furnished :

- (i) A copy of the application made by the ratepayers under s. 5 of the Act of 1833 ;
- (ii) A copy of the notice convening the public meeting of the ratepayers ;
- (iii) A certificate or other evidence that the notice was affixed and published in accordance with the requirements of the section referred to ;
- (iv) A copy of the resolution passed by the meeting ;
- (v) A statement as to the number of ratepayers who voted for the resolution, the number against it, and the number present at the meeting.

If a poll was taken on the question whether the Act should be adopted, it should be stated—

- (vi) Whether the requirements of ss. 9 and 10 of the Act were complied with ; and
- (vii) What number of votes was given for the adoption, what number against it, and what was the total number of ratepayers of the parish, or part of the parish.

Parliamentary Papers (a).—The following are some of the more important Parliamentary Papers issued in relation to ordinary gas undertakings, water gas, and acetylene gas :—

GAS UNDERTAKINGS (Local Authorities).

RETURN relating to all authorised gas undertakings in the United Kingdom, belonging to local authorities, showing the local Act or Provisional Order concerned, limits of supply, loans and annuities authorised and borrowed, periods for loans and annuities, loans repaid and annuities redeemed, rates of interest paid on loans,

(a) As to how Parliamentary Papers may be obtained, see Part XLVI., "Parliamentary and other Papers."

- price of gas authorised and charged, meter rents, illuminating power, total receipts, total expenditure, amounts paid for interest, sinking funds, net profits (if any), amount of coal and other materials used, and gas made and consumed, water-gas supplied, length of mains, number of consumers, number of public lamps lighted, etc. (*Issued annually.*)

NOTE.—See also Part XLVI., “Parliamentary and other Papers,” sub-head *Municipal Corporations Reproductive Undertakings.*

WATER-GAS.

REPORT of the Departmental Committee appointed by the Secretary of State for the Home Department on 9th February, 1898, to inquire into and report upon :

- (1) The extent to which water-gas and other gases containing a large proportion of carbonic oxide are manufactured and used for heating, lighting, and other purposes ;
- (2) The danger attending such manufacture and use ;
- (3) The means by which such dangers may be removed either by the discontinuance of the use of such gas or gases or otherwise ; and what regulations for the prevention of danger shall be established. [*Cd.* 9,164. 1899.]

ACETYLENE.

REPORT of the Committee on Acetylene Generators appointed by the Department of H.M. Inspectors of Explosives, with a covering report to the Secretary of State for the Home Department by Captain J. H. Thomson, H.M. Chief Inspector of Explosives.

The report of the Committee is dated 30th October, 1901, and the report of Captain Thomson, 30th November, 1901. [*Cd.* 952. 1902.]

PART XXIX.—HOSPITALS.*

Statutory provisions.—The principal statutory provisions of the general law conferring powers on county councils and sanitary authorities in England and Wales in relation to hospitals are contained in the undermentioned statutes:—

ADMINISTRATIVE COUNTY OF LONDON.

Public Health (London) Act, 1891 (54 & 55 Vict. c. 76).

DISTRICTS OUTSIDE LONDON.

Public Health Act, 1875 (38 & 39 Vict. c. 55) ;

Isolation Hospitals Act, 1893 (56 & 57 Vict. c. 68) ; and

Isolation Hospitals Act, 1901 (1 Edw. 7, c. 8).

Under the Public Health (London) Act, 1891 (as amended, in regard to the definition of "sanitary authority," by the City of London Sewers Act, 1897, and the London Government Act, 1899), the Common Council of the City of London and any Metropolitan borough council are (*inter alia*) empowered to provide temporary or permanent hospitals for the use of the inhabitants of their district, and for that purpose to themselves build such hospitals, or contract for the use of any hospital or part of a hospital, or enter into any agreement with any person having the management of any hospital for the reception of the sick inhabitants of their district, on payment of such annual or other sum as may be agreed on ; and any two or more of such authorities may combine in providing a common hospital (s. 75). They may also provide and maintain carriages suitable for the conveyance of persons suffering from any infectious disease, and pay the expense of conveying therein any person so suffering to a hospital or other place of destination (s. 78).

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. iii. pp. 530—541. "Encyclopædia of Forms and Precedents," vol. x., pp. 418—462.

Similar powers to those conferred by s. 75 of the Public Health (London) Act, 1891, are possessed by town councils, urban district councils, and rural district councils under s. 131 of the Public Health Act, 1875; and the powers of the last-mentioned enactment may be vested in a Joint Board formed under s. 279 of that Act and in a Port Sanitary Authority constituted under s. 287 thereof.

The Isolation Hospitals Act, 1893, enables a county council (other than the London County Council), in pursuance of an application made to them as provided therein, to provide or cause to be provided in any district within their county a hospital for the reception of patients suffering from infectious diseases (referred to in the Act as “an isolation hospital”), and for this purpose they are empowered to constitute hospital districts and to form hospital committees. The Act also gives a county council power to contribute out of the county rate towards structural and establishment expenses of isolation hospitals, and to borrow money for the purpose of carrying into effect the provisions of the Act.

The Isolation Hospitals Act, 1901, amended the Act of 1893 in certain important respects, and made provision for enabling any local authority (including a joint board) within the meaning of the Public Health Act, 1875, to transfer to the county council, with the consent of that council and the sanction of the Local Government Board, a hospital for the reception of the sick provided under that Act or any local Act.

Application under s. 2 of Isolation Hospitals Act, 1893.—An application by a county council to the Local Government Board under s. 2 of the Act of 1893 to direct that the Act shall apply to a borough with a less population than 10,000 according to the census for the time being in force should be accompanied by—

- (1) A copy of a resolution of the county council directing the application to be made;
- (2) Information as to the population of the borough according to the last census;

- (3) A copy of any correspondence which has passed between the county council and the town council in the matter ;
- (4) A full statement of the circumstances which have given rise to the application, including information as to whether the county council have before them any application by a local authority for the constitution of a hospital district to comprise the borough, or whether action is contemplated under s. 6 of the Act ; and
- (5) An ordnance map showing by hard lines of colour the boundaries of the "local area" or areas included in any proposed hospital district.

NOTE.—A map on the scale of one inch to a mile will be sufficient for this purpose in most cases. The map should be mounted on linen.

Appeal against order including area in hospital district.—

By s. 8 (3) of the Act of 1893 as amended by s. 5 and s. 6 (1) of the Act of 1901, a local authority having jurisdiction in any part of a proposed hospital district or a parish council of a parish affected who object to the formation of the district or the addition or subtraction thereto or therefrom of any local area, may within three months from the date of the order appeal to the Local Government Board, who may by their decision confirm, disallow, or modify, the order as they think fit.

An appeal to the Local Government Board in pursuance of these provisions should be accompanied by—

- (1) A copy of a resolution of the authority directing the appeal to be made ;
- (2) A concise statement of the grounds on which the appeal is based ;
- (3) A copy of the order of the county council constituting the hospital district ; and
- (4) An ordnance map showing by hard lines of colour the boundaries of the "local area" or areas included in the hospital district and the position of the hospital

site. If part only of the district of the authority is included, the parts respectively within and without the hospital district should be shown by distinctive colours.

NOTE.—A map on the scale of one inch to a mile will usually be found sufficient for this purpose. The map should be mounted on linen.

It will be observed that the appeal must be made within three months from the date of the order of the county council.

Appeal as to constitution of hospital committee.—Under s. 10 (1) of the ISOLATION HOSPITALS ACT, 1893, any local authority within a hospital district constituted under the Act which feels aggrieved by the mode in which any hospital committee is constituted may appeal to the Local Government Board, and that Board may modify the constitution of any committee so formed by the county council in such manner as the Board think expedient and just.

An appeal by a local authority to the Local Government Board under this enactment should be accompanied by—

- (1) A copy of a resolution of the authority directing the appeal to be made ;
- (2) A concise statement of the grounds on which the appeal is based ;
- (3) A statement of the modifications suggested ;
- (4) A copy of the regulations made by the county council relating to the constitution of the hospital committee ; and
- (5) A tabular statement giving particulars as to the area, population, and assessable value of each constituent district of the hospital district.

Transfer of hospital to county council.—An application for the sanction of the Local Government Board to the transfer of a hospital to a county council under s. 1 of the Act of 1901 should be accompanied by—

- (1) A copy of a resolution of the local authority directing the application to be made ;

- (2) A copy of the correspondence which has passed between the local authority and the county council on the subject, including a copy of the document conveying the consent of the county council to the transfer ;
- (3) Information as to when, under what statutory authority, and out of what funds the hospital was provided. If under a local Act, a precise reference should be given to the sections relating thereto ;
- (4) An ordnance map on the scale of 25 inches to a mile showing the hospital site and its surroundings, together with a plan on a larger scale, say 1 inch to 40 feet, of so much of the site as forms the hospital enclosure with the buildings standing on it.

NOTE.—If the hospital was provided by means of a loan sanctioned by the Local Government Board, it would hardly seem necessary to furnish further plans of this character.

- (5) A statement of the grounds on which the application is based ; and
- (6) Full particulars of the proposals of the local authority (including plans and a detailed estimate of the cost of any works contemplated) in regard to the disposal of the money (if any) to be received by them in connection with the transfer. If, however, it is desired to apply the money in the repayment of a loan, particulars as to such loan should be supplied in Form K, No. 2.

Transfer of hospital by guardians to rural district council.

—Section 14 of the POOR LAW ACT, 1879 (42 & 43 Vict. c. 54), enables the guardians of any union, by resolution to be confirmed by an order of the Local Government Board, to transfer any hospital or building vested in them as guardians under the Poor Law Acts to the rural district council for the reception of persons suffering from any dangerous infectious disorder.

An application for an order of the Local Government Board

under this enactment confirming a resolution for the transfer of a hospital should be accompanied by—

- (1) A copy of the resolution of the guardians ;
- (2) A statement of the grounds on which the transfer is proposed to be made ;
- (3) A copy of any correspondence which has passed on the subject between the guardians and the rural district council and any urban authority having jurisdiction in the union ;
- (4) Information as to when, at what cost, and out of what funds the hospital was provided. If out of borrowed money, particulars as to the loan or loans (*e.g.* amount, date of order authorising the loan, period for repayment, amount (if any) outstanding) should be furnished ;
- (5) Plans of the hospital, unless copies of these are already in the possession of the Local Government Board (*a*).
NOTE.—The plans should (*inter alia*) show the drainage arrangements.
- (6) A report as to the disposal of the sewage and water supply of the hospital.

The following extract from the ninth Annual Report of the Local Government Board (1879—1880), p. cxxvii., is of interest in regard to applications of this nature :

“ Three of these inquiries (at Ripon, Chertsey, and Skipton) had reference to the proposed transfer of workhouse hospitals from the poor law to the sanitary authorities under the provisions of s. 14 of the Poor Law Act, 1879. We have in each such case made it a condition of our assent, not merely that the administration of the hospital shall be entirely distinct from that of the workhouse, but that there shall be such actual severance, by fences, by separate entrance, and otherwise, as will prevent the hospital from being objected to by the independent poor owing to its being associated in their minds with the notion of pauper relief.”

Annual contribution by county council.—Under s. 2 (1) of the Isolation Hospitals Act, 1901, the consent of the Local

(*a*) See also “PLANS,” p. 6.

Government Board is required, in certain circumstances, to an annual contribution by a county council towards the expenses of a hospital for infectious diseases provided by a local authority under the Public Health Act, 1875.

An application by a county council for the consent of the Local Government Board to an *annual* contribution under s. 2 (1) of the Act of 1901 should be accompanied by—

- (1) A copy of a resolution of the county council directing the application to be made and specifying the amount and period of the proposed contribution ;
- (2) A copy of the correspondence which has passed between the county council and the local authority on the subject. This should include a definite statement by the clerk of the local authority that the cost of providing the hospital was not defrayed out of borrowed money, and that no loan has been raised for any permanent extension or enlargement thereof ; and
- (3) A statement of the grounds on which it is proposed to make the contribution.

Borrowing powers.—1. **COUNTY COUNCILS.** County councils derive their borrowing powers for purposes connected with the provision of hospitals from s. 22 of the Isolation Hospitals Act, 1893, and s. 2 (2) of the Isolation Hospitals Act, 1901.

Under these enactments, s. 69 of the Local Government Act, 1888, is made applicable to the borrowing of money by a county council for hospital purposes, and consequently the consent of the Local Government Board is required to the loan.

2. **OTHER AUTHORITIES (OUTSIDE LONDON).**—The borrowing of money by a local authority for hospital purposes under the Public Health Act, 1875, is subject to ss. 233 and 234, which render the sanction of the Local Government Board necessary to the raising of the loan (*a*).

3. **METROPOLITAN BOROUGH COUNCILS.**—The borrowing powers of a metropolitan borough council for the provision of hospitals

(*a*) These sections are set out *ante*, pp. 116, 117.

are subject to the provisions of sub-ss. (1) and (3) of s. 105 of the Public Health (London) Act, 1891 (*a*), which do not require the sanction of the Local Government Board to the borrowing of money for this purpose.

Periods for repayment of loans.—It appears from the Report of the Select Committee on Repayment of Loans (1902), and the tables contained in the Annual Reports of the Local Government Board, that the following periods are usually allowed by that Board for the repayment of loans sanctioned by them for hospital purposes:—

Purchase of freehold land	.	.	60 years (where Act allows (<i>b</i>))
Buildings (stone or brick)	.	.	30 "
Heating apparatus	.	.	30 "
Floating hospital	.	.	20 "
Furniture	.	.	10 "
Ambulance and vans	.	.	10 "

Memoranda of Local Government Board.—The following memoranda on this subject have been issued by the Local Government Board.

I. ON THE PROVISION OF ISOLATION HOSPITAL ACCOMMODATION BY LOCAL AUTHORITIES.

This memorandum, it is stated, "is designed to represent to those who are responsible for the health of communities the importance of providing hospital accommodation for the isolation of cases of infectious disease, and of doing so before the actual invasion of their districts by such disease. It is further intended to indicate to local authorities, more especially to those of districts of small or moderate size, the means by which they may most advantageously make such provision. Some general principles to be held in view by all authorities who propose to provide, by means of loans sanctioned by the Local Government Board, isolation

(*a*) These sub-sections are set out *ante* p. 382.

(*b*) The *maximum* period which can be allowed by the Board for the repayment of a loan by a County Council for the purposes of the Isolation Hospitals Acts, 1893 and 1901, is thirty years (see s. 69 (5) of Local Government Act, 1888, as applied by s. 22 of Isolation Hospitals Act, 1893).

“hospitals for their districts will be set forth in the course of the memorandum. Those in italics are points which the Board regard as indispensable.”

The memorandum deals with the under-mentioned matters—

- (i) Area to be served by a hospital;
- (ii) Size of hospital in proportion to population;
- (iii) Site;
- (iv) Hospital buildings;
- (v) Hospitals for small-pox;

and includes plans of different types of ward-blocks. It is dated May, 1902, and may be purchased (price 1*d.*), either directly or through any bookseller, from Messrs. Wyman and Sons, Ltd., Fetter Lane, London, E.C., and should be in the possession of all local authorities and persons interested in the subject of the provision of hospital accommodation.

II. ISOLATION HOSPITALS.

Memorandum for the guidance of local authorities in applying to the Local Government Board for sanction to loans for the provision of isolation hospitals; for the constitution of joint hospital districts; and in proceedings under the Isolation Hospitals Act, 1893.

(a) *Under the Public Health Act, 1875.*

1. Under s. 131 of the Public Health Act, 1875 :—

“Any local authority may provide for the use of the inhabitants of their district hospitals or temporary places for the reception of the sick, and for that purpose may themselves build such hospitals or places of reception; or contract for the use of any such hospital, or part of a hospital, or place of reception; or enter into any agreement with any person having the management of any hospital, for the reception of the sick inhabitants of their district, on payment of such annual or other sum as may be agreed on.

“Two or more local authorities may combine in providing a common hospital.”

Provision of Hospitals by Local Authorities.

2. If a local authority desire to obtain a loan to defray the cost of providing a hospital, the sanction of the Local Government Board must be obtained (Public Health Act, 1875,

ss. 233 and 234). Any provisional agreement entered into by the local authority for the purchase of land as a site for the hospital should be made conditional upon such sanction being given.

3. Any application to the Board for sanction to a loan should be accompanied by—

- (1) A copy of the local authority's resolution directing the application to be made;
- (2) Detailed estimates (in forms which the Board supply on application) of the cost of the proposed works;
- (3) A map (say on the scale of one inch to the mile) showing the boundaries of the sanitary district or districts for which the hospital is to serve, the parish and sanitary district in which the site is comprised, the position of the proposed hospital site, and the means of access to the site from the various parts of the district or districts (a); and
- (4) A further map on a larger scale (say on the scale of twenty-five inches to the mile) or plan showing the area and shape of the proposed site, and its relation to houses and lands in its immediate vicinity, and showing also the points of the compass (a);
- (5) Plans of the proposed hospital buildings, in cases where the application includes the cost of such buildings (a);
- (6) A statement showing the number of persons residing within a quarter of a mile and half a mile, respectively, from the site;
- (7) Information as to the available water supply and the proposed means for disposing of the sewage of the hospital; and
- (8) Particulars (in forms which the Board supply on application) respecting the assessable value and the existing debt for sanitary purposes of the district or districts.

4. The plans of the hospital buildings should be submitted to the Board at an early stage of their preparation. If they are not found to be satisfactory the Board are usually willing to arrange for a conference on the subject at their office, between representatives of the local authority (accompanied by

(a) See also "PLANS," p. 6.

their architect and medical officer of health) and representatives of the Board's medical and architectural departments.

5. Before sanctioning a loan the Board usually cause a public local inquiry into the matter to be held in the district by one of their inspectors, at which any person interested may attend and give evidence. Due public notice of any such inquiry is given in the locality concerned.

Provision of Hospitals by two or more Local Authorities acting in combination.

6. When two or more local authorities desire to combine in providing a hospital, it is often desirable to form the combined districts into a Joint Hospital District, by a Provisional Order under s. 279 of the Public Health Act, 1875, with a Joint Hospital Board as the governing body.

A joint hospital board consists of members elected by the local authorities concerned, together with such ex-officio members as the Local Government Board may by the Provisional Order determine (s. 280, Public Health Act, 1875).

Joint boards exercise their powers independently of the local authorities comprised within the united district.

By s. 244 of the Public Health Act they are enabled to borrow money, and under s. 280 a joint board is a body corporate with power to hold lands for the purposes of their constitution.

They are also empowered to issue precepts to the local authorities within the united district for the sums to be contributed by such authorities towards the expenses of the joint board, and, in case of default, to proceed in a summary manner to raise such sums.

Moreover, by the Provisional Order constituting the united district the joint board are directly invested with various powers in relation to their meetings and officers, conduct of business, contracts, purchase of land either by agreement or compulsory arbitration, audit of accounts, legal proceedings, and with any other powers which the special circumstances of the case may require, so as to enable them to perform their duties in the most convenient and efficient manner.

7. Applications to the Board for the issue of Provisional Orders forming united districts for hospital purposes should

be accompanied by copies of resolutions of the local authorities concerned, and should be made as soon as practicable after the 1st October in each year.

8. Applications for loans by joint hospital boards should be made in the manner indicated in paragraphs 3 to 5 above.

(b) *Under the Isolation Hospitals Act, 1893.*

9. Under the Isolation Hospitals Act, 1893, county councils are empowered to constitute hospital districts, consisting in each case either of a single local area or of two or more local areas as defined by s. 26 of the Act; and under s. 8 (3) "if any local authority, having jurisdiction within any part of the proposed hospital district, object to the formation of such a district, or to the addition or subtraction thereto or therefrom of any local area within their jurisdiction, such authority may at any time within three months from the date of the Order appeal to the Local Government Board, and the decision of such Board shall be conclusive."

10. Under s. 22 of the Act "a county council may borrow on the security of the county rate, and in manner provided by the Local Government Act, 1888, any money required for the purpose of carrying into effect the provisions of this Act." The sanction of the Local Government Board is required to any such borrowing by a county council.

11. Hospital committees, and the local authorities having jurisdiction in the areas included within a hospital district set up by a county council, are not empowered themselves to borrow money for the purposes of the Isolation Hospitals Act; but, under s. 22 of that Act, any loans borrowed by a county council to carry the provisions of the Act into effect, "and any other money expended by them for the purposes of this Act, together with interest thereon . . . shall be repaid to the county council out of the local rate," as in the Act directed.

12. In dealing with applications from county councils for sanction to loans under this Act, the Board act upon the principles (set out in the earlier sections of the present memorandum) which guide them in dealing with applications by local authorities for sanction to borrow money for hospital purposes under the Public Health Act.

Applications for sanction to loans.—In connection with any proposal by a local authority to borrow money with the sanction of the Local Government Board for hospital purposes, the remarks contained in the memorandum of that Board on the provision of isolation hospital accommodation by local authorities should receive careful consideration; and the application to the Board for sanction to the loan should be made in accordance with the instructions contained in their memorandum set out on p. 384.

In addition to the particulars mentioned in the latter memorandum, it is the practice of the Board to require, as regards proposed isolation hospitals, to be furnished with a copy of a resolution of the local authority undertaking that cases of small-pox will not be treated on the site of the hospital simultaneously with cases of other diseases, and that the site will be enclosed by a wall or close fence at least six feet six inches high, and at least forty feet distant from any building intended to receive infected persons or things. This undertaking should be forwarded at the same time as the other particulars required.

It is stated in the memorandum of May, 1902, that it is not the practice of the Board in ordinary cases to sanction loans for iron hospitals or for hospital buildings of temporary character.

The following observations in regard to excess expenditure on loans sanctioned by the Board for hospital schemes are extracted from their 34th Annual Report (1904—5), pp. cxlv., cxlv.:

“In connection with the borrowing of money by local authorities for hospital purposes we have found that in many cases expenditure—sometimes of large amount—has been incurred in excess of the loan sanctioned by us in respect of the scheme. In some instances this has resulted from under-estimating the cost; in others it has transpired that the arrangements which we approved in connection with the proposal for the original loan have been extended or otherwise varied without our consent.

“In view of our experience we have in some cases required tenders for carrying out the proposed works to be obtained before local inquiry into the application before us was held, and the result has sometimes been that the lowest tender received was considerably above the amount of the estimate.

“It is important that the ratepayers should know the probable cost of a proposed scheme before it is decided upon, and we trust that local authorities will do their best to see that the estimates which accompany their proposals are as accurate and complete as they can be made.

“We consider that no material alteration should be made without our consent in the plans of works in respect of which we have sanctioned the borrowing of money. In some instances we have found that departures from hospital plans approved by us have involved expenditure which we could only regard as unnecessary or extravagant; and we have in such cases declined to allow the additional expenditure to be defrayed out of loan moneys.”

Formation of joint hospital districts.—Attention is drawn to the remarks embodied in paragraphs 6 and 7 of the memorandum of the Local Government Board on p. 385, in regard to the formation of joint hospital districts by Provisional Order under s. 279 of the Public Health Act, 1875 (a).

An application to the Local Government Board for a Provisional Order for this purpose should strictly comply with the directions contained in “*Provisional Order Instructions A*” of that Board (b).

During the seven years 1901—1907 (inclusive) thirty united districts for hospital purposes were formed by Provisional Orders made in pursuance of the enactment referred to as follows :—

(a) This section is set out under Part LI., “Provisional Orders.”

(b) Copies of these Instructions are supplied by the Board on request.

Note.—J. S. H. D. = Joint Small-Pox Hospital District.

Name of United District.	Year.	Act confirming Provisional Order (a).
Ashbourne, J. H. D.	1903	3 Edw. 7, c. lxiv.
Ashton-under-Lyne and District, J. S.		
H. D.	1904	4 " " c. cxx.
Biggleswade, J. H. D.	1902	2 " " c. lxxxii.
Bury and District, J. H. D.	1903	3 " " c. lxxxii.
Chelmsford, J. H. D.	1902	2 " " c. lxxxii.
Congleton and District, J. H. D.	1904	4 " " c. cxx.
Earsdon, J. H. D.	1904	4 " " c. lxiv.
Easington and Sedgefield, J. S. H. D.	1905	5 " " c. lxxxiii.
Enfield and Edmonton, J. H. D.	1905	5 " " c. cxl.
Fylde, Preston, and Garstang, J. S. H. D.	1905	5 " " c. cix.
Goolse, J. H. D.	1907	7 " " c. clx.
Guisborough, J. H. D.	1906	6 " " c. cli.
Hemel Hempstead, J. H. D.	1906	6 " " c. cli.
Henley and Wallingford, J. S. H. D.	1904	4 " " c. lxiv.
Hitchin, J. H. D.	1901	1 " " c. cli.
Houghton-le-Spring and Hetton, J. S.		
H. D.	1905	5 " " c. lxxv.
Knighton and Teme, J. H. D.	1904	4 " " c. cxix.
Maldon, J. H. D.	1901	1 " " c. cli.
Middlesex Districts, J. S. H. D.	1905	5 " " c. cix.
Nantwich, J. H. D.	1901	1 " " c. cxlix.
North-east Durham, J. S. H. D.	1904	4 " " c. cxix.
North Staffordshire, J. S. H. D.	1902	2 " " c. lxxxvi.
Ormskirk, Lathom, and Burscough,		
J. H. D.	1901	1 " " c. cxlix.
Orsett, J. H. D.	1901	1 " " c. cxlix.
Rugby, J. H. D.	1905	5 " " c. lxxv.
South Shields Rural and Southwick-on-		
Wear, J. H. D.	1903	3 " " c. lxiv.
South Staffordshire, J. S. H. D.	1903	3 " " c. lxxxii.
Tarvin, Malpas, and Tarporley, J. H. D.	1903	3 " " c. lxxxvi.
Tunbridge Wells, Tonbridge, and South-		
borough, J. H. D.	1902	2 " " c. lxxxvi.
Waltham, J. H. D.	1902	2 " " c. lxxxvi.
Watford, J. H. D.	1902	2 " " c. lxxxii.
Whitechurch and District, J. H. D.	1904	4 " " c. lxiv.
Windsor and Egham, J. H. D.	1903	3 " " c. cxxxvi.

Parliamentary Papers (b).—The following are some of the more important Parliamentary Papers which have been issued in relation to the provision, etc., of hospitals:

REPORT FROM THE SELECT COMMITTEE appointed to consider the operation of the Law by which Hospitals and other Institutions for the care and treatment of the Sick, or of those afflicted in mind or body, are liable to Local

(a) Copies of these Acts can be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

(b) As to how such papers may be obtained, see under Part XLVI., "Parliamentary and other Papers."

Rates, and to report whether under any and what conditions it is for the public interest that such Hospitals and Institutions, or any of them, should be exempted wholly or in part from such liability in future. [No. 273. (1900). *Price 1s.*]

RETURN showing the Area and Population according to the last Census of every Urban and Rural Sanitary District in England and Wales, and also showing, as regards every such District and every Port Sanitary District in England and Wales, whether the Sanitary Authority had, on or before the 31st day of December, 1892, made special provision for any accommodation of the nature of an Isolation Hospital (other than in connection with Workhouses) for cases of Infectious Disease arising in their District, and, if so, giving the following further particulars :

1. Whether the Accommodation has been provided (a) by the Sanitary Authority independently; (b) by the Sanitary Authority in combination with other Authorities as a Joint Hospital Board; (c) by the Sanitary Authority in combination with other Authorities under s. 131 of "The Public Health Act, 1875," or whether the Sanitary Authority have made any Agreement or Arrangement for the Admission of Patients into Hospitals belonging to other Local Authorities or to Private Bodies;
2. Whether the Accommodation has been provided by the Sanitary Authority independently or in combination with other Authorities; (a) Description and Area of Site; where situated; whether the Hospital has been erected on Plans approved by the Local Government Board; or whether it was a Workhouse Hospital transferred to the Sanitary Authority with the Board's sanction;
3. The date since which the Accommodation has been available;
4. The number of Beds available;

5. Whether there is separate accommodation (a) for the Sexes; (b) for different Diseases in separate Pavilions, and, if so, for how many Diseases; (c) and special Accommodation for Small-pox Patients;
6. The number of cases treated in the Hospital during each of the five years, 1888 to 1892, inclusive, distinguishing Small-pox, Scarlet Fever, Typhus, Enteric Fever, Diphtheria, and other Diseases;
7. The Rate of Charge, if any, made for maintenance of Patients;
8. The amounts received from Patients in each of the five years, 1888 to 1892, inclusive;
9. The cost of (a) Site; (b) Hospital Buildings;
10. Whether such Cost has been met (a) out of moneys raised by means of Loans; or (b) out of current Rates, or otherwise than by means of Loans;
11. The cost of Maintenance of Hospital for each of the five years, 1888 to 1892, inclusive;
12. Ambulance, nature of;
13. Disinfecting Apparatus, nature of;
14. Arrangements for Medical Attendance.

(*Mr. Johnson-Ferguson.*) [No. 28. (1895.) *Price 4s. 6½d.*]

REPORT OF THE COMMISSIONERS appointed to inquire respecting Small-pox and Fever Hospitals in the Metropolis; with Evidence and Appendix. [1882. (*Cd.*—3,314.) *Price 12s.*]

SUPPLEMENT TO TENTH ANNUAL REPORT OF LOCAL GOVERNMENT BOARD (1880—81), containing Report and Papers submitted by the Board's Medical Officer on the Use and Influence of Hospitals for Infectious Diseases. [1882. (*Cd.*—3,290.) *Price 14s. 6d.*]

See also Part XLVI., "Parliamentary and others Papers," sub-head, "Small-pox."

PART XXX.—HOUSING OF THE WORKING CLASSES.*

Statutory provisions.—The principal provisions of the general law relating to the housing of the working classes in England and Wales are contained in the Housing of the Working Classes Acts, 1890 to 1903, which comprise the under-mentioned statutes :

HOUSING OF THE WORKING CLASSES ACT, 1890 (53 & 54 Vict. c. 70).

HOUSING OF THE WORKING CLASSES ACT, 1894 (57 & 58 Vict. c. 55).

HOUSING OF THE WORKING CLASSES ACT, 1900 (63 & 64 Vict. c. 59).

HOUSING OF THE WORKING CLASSES ACT, 1903 (3 Edw. 7, c. 39).

In addition to these Acts, the Public Health Act, 1875, and the Public Health (London) Act, 1891, contain provisions with regard to the removal of nuisances under which local authorities outside London under the former Act and those within the administrative county of London under the latter Act are vested with important powers and responsibilities for the purpose of securing proper housing accommodation. Section 111 of the Municipal Corporations Act, 1882, further enables municipal corporations, with the consent of the Local Government Board, to convert corporate land into sites for working-class dwellings.

Apart from these statutes, there are numerous local Acts and Provisional Orders which confer powers and impose obligations on local authorities, companies, and persons with respect to the acquisition of working-class dwellings and the rehousing of persons displaced.

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. iii, pp. 549—588. "Encyclopædia of Forms and Precedents," vol. x, pp. 606—667. Allan's "Housing of the Working Classes."

The following is a brief summary of the history and character of the general legislation dealing with the question of the housing of the working classes.

Prior to 1885 the statutory provisions on the subject were chiefly embodied in the following Acts:

1. THE LABOURING CLASS LODGING HOUSES ACTS, 1851 to 1867, known as "SHAFTESBURY'S ACTS," and so called after Lord Shaftesbury, their principal promoter.
2. THE ARTIZANS' DWELLINGS ACTS, 1868 to 1882, known as "TORRENS' ACTS," and so called after Mr. Torrens, M.P.
3. THE ARTIZANS' AND LABOURERS' DWELLINGS IMPROVEMENT ACTS, 1875 to 1882, known as "CROSS'S ACTS," and so called after Sir Richard Cross, M.P., who was subsequently created Viscount Cross.

These Acts were amended in certain respects by the Housing of the Working Classes Act, 1885.

In 1890, however, the Housing of the Working Classes Act, 1890, which is the principal Act now in force, was passed consolidating and amending the above-mentioned Acts. This Act is divided into seven parts, but it is only proposed here to refer to Parts I., II., and III., the general character of which may be briefly described as follows:

PART I. (which was based on "Cross's Acts") relates to unhealthy areas and the carrying out of schemes by local authorities for the improvement of such areas.

PART II. (which superseded the provisions of "Torrens' Acts") confers extensive powers and imposes duties on local authorities in relation to (a) the improvement of areas which are too small to be dealt with under Part I., (b) the pulling down and acquisition of sites of obstructive buildings, and (c) the closing and demolition of houses unfit for human habitation.

PART III. (which consolidated the provisions of "Shaftesbury's Acts") relates to the provision of dwellings for

the working classes. This part is only operative in areas for which it has been adopted by the local authority.

The sole object of the Housing of the Working Classes Act, 1894, was to remove certain doubts as to the power of a local authority to borrow for the purpose of a scheme for reconstruction under Part II. of that Act.

The Housing of the Working Classes Act, 1900, effected various important amendments of Part III. of the Act of 1890. It enabled local authorities (other than rural district councils) who have adopted Part III. of the principal Act to establish or acquire outside their district lodging-houses for the working classes (s. 1); it enacted a simpler form of procedure as regards the adoption of Part III. in rural districts, and repealed various provisions of Part III. (s. 2); it included metropolitan borough councils within the definition of "local authority" for the purposes of Part III., and made provision for the borrowing by such councils for these purposes (s. 3); it made special provision as to how receipts and expenditure in respect of land acquired under Part III. of the Act of 1890, and appropriated for rehousing persons displaced under other statutory provisions, should be treated and accounted for (s. 4); it empowered a rural district council with the consent of the county council, and any other local authority with the consent of the Local Government Board or of the Secretary of State, to lease any land acquired by them under Part III. to any lessee for the purpose and under the condition that the lessee will carry the Act into execution by building and maintaining on the land lodging-houses within the meaning of the Act (s. 5); it made provision for the taking over of the powers of a rural district council by a county council where, on the complaint of a parish council, the county council resolve that the rural district council ought to have taken steps for the adoption of Part III., or have failed to exercise their powers under that part (s. 6); and it provided that where land is acquired compulsorily under Part III., any question as to the amount of compensation shall in default of agreement be determined by a single arbitrator appointed by the Local Government Board (s. 7).

The Housing of the Working Classes Act, 1903 (*inter alia*), extended the maximum period for repayment of loans under the Housing Acts (s. 1); authorised the transfer by Order in Council of the powers and duties of the Secretary of State under the Housing Acts to the Local Government Board (s. 2); made special provision for the rehousing of persons of the working class displaced by local authorities, companies, or persons in pursuance of powers under statutory enactments other than the Housing Acts (s. 3); provided for orders confirming improvement schemes under Part I. of the Act of 1890 taking effect in certain circumstances without confirmation by Parliament (s. 5); gave further powers to the confirming authority in respect of the modification of schemes (ss. 6, 7); amended the procedure for obtaining closing orders (s. 8); and empowered local authorities with the consent of the Local Government Board to provide and maintain in connection with dwelling accommodation or lodging-houses, shops, recreation grounds, or other buildings or land which, in the opinion of the Board, will serve a beneficial purpose in connection with the requirements of the persons for whom the dwelling accommodation or lodging-houses are provided (s. 11).

By an Order in Council made on 27th February, 1905, in pursuance of s. 2 (1) of the Act of 1903, the powers and duties of the Secretary of State under the Housing Acts, under any scheme made in pursuance of those Acts, and under any local Act in relation to the housing of the working classes were transferred to the Local Government Board as from 1st March, 1905. These powers and duties were exercisable only in the administrative county of London, and had reference chiefly to the making of schemes under the Housing of the Working Classes Act, 1890, for the improvement of unhealthy areas, and to the rehousing of persons of the working class displaced in connection with railway and other undertakings authorised by local Acts.

Local authorities for purposes of Housing Acts.—The local authorities for the purposes of the Housing of the

Working Classes Act, 1890, as amended by subsequent Acts, are as follows—

PART I.—

LONDON COUNTY COUNCIL as respects the administrative county of London (exclusive of the city of London) (*a*).

COMMON COUNCIL as respects the city of London (*b*).

TOWN COUNCILS and URBAN DISTRICT COUNCILS as respects boroughs and other urban districts outside London (*c*).

NOTE.—This part does not apply to rural districts (*s. 3*).

PART II.—

COMMON COUNCIL as respects the city of London (*b*).

BOROUGH COUNCILS as respects metropolitan boroughs (*d*).

TOWN COUNCILS and URBAN DISTRICT COUNCILS as respects boroughs and other urban districts outside London (*c*).

RURAL DISTRICT COUNCILS as respects rural districts (*c*).

NOTE.—The London County Council, though not within the definition of a “local authority” for the purposes of Part II., are nevertheless vested with important powers under this Part by *s. 46* of the Act.

PART III.—

On the adoption of this Part—

LONDON COUNTY COUNCIL as respects the administrative county of London (exclusive of the city of London) (*a*).

COMMON COUNCIL as respects the city of London (*b*).

BOROUGH COUNCILS as respects metropolitan boroughs (*d*).

TOWN COUNCILS and URBAN DISTRICT COUNCILS as respects boroughs and other urban districts outside London (*c*).

RURAL DISTRICT COUNCILS as respects rural districts (*c*).

(*a*) See *s. 93* and First Schedule of Act of 1890.

(*b*) See *s. 92* and First Schedule of Act of 1890, and *ss. 5* and *7* of City of London Sewers Act, 1897 (60 & 61 Vict. c. 133).

(*c*) See *s. 92* and First Schedule of Act of 1890, and *s. 21* of Local Government Act, 1894.

(*d*) See *s. 92* and First Schedule of Act of 1890, and *s. 4* of London Government Act, 1899.

NOTE.—A county council (outside London) are in certain circumstances empowered to act under Part III. on the default of a rural district council (see s. 6 of Act of 1900).

A list of local authorities who have adopted this part will be found on pp. 432—439.

Borrowing powers.—The Housing of the Working Classes Act, 1890, as amended by subsequent Acts, confers the under-mentioned borrowing powers.

PART I.

A local authority may, in manner subsequently mentioned, borrow such money as is required for the purposes of this part of the Act on the security of the local rate (s. 25 (1)).

LONDON COUNTY COUNCIL.—For the purpose of borrowing, the London County Council may, with the assent of the Treasury, create consolidated stock under the Metropolitan Board of Works Loans Acts, 1869 to 1871.

COMMON COUNCIL OF THE CITY OF LONDON.—Section 25 (3), as amended by ss. 5 and 7 of the City of London Sewers Act, 1897, enables the Common Council of the City of London to borrow on mortgage of the local rates, or any of them, and for the purposes of such mortgages the clauses of the Commissioners Clauses Act, 1847 (10 & 11 Vict. c. 16), with respect to the mortgages are incorporated.

TOWN COUNCILS and URBAN DISTRICT COUNCILS.—For the purpose of borrowing, a town council or urban district council have the same power of borrowing as they have under the Public Health Acts for the purpose of defraying any expenses incurred by them in the execution of those Acts (s. 25 (4)).

PART II.

1. Local authorities (within the Administrative County of London).—By virtue of s. 46 (2) of the Act of 1890, as amended by the Act of 1894, the borrowing power conferred upon the LONDON COUNTY COUNCIL or the COMMON COUNCIL OF

THE CITY OF LONDON (a) under Part I. of the Act, is made applicable for the purposes of Part II., and the purposes of Part II. are made a purpose for which a metropolitan borough council (b) may borrow under the Metropolis Management Act, 1855 (18 and 19 Vict. c. 120). The borrowing powers conferred upon a metropolitan borough council include a power to borrow for the purpose of paying a contribution towards any expenses of the London County Council under s. 46 (5) of the Act of 1890 (s. 14 of the Act of 1903).

2. Local authorities (outside London).—Under s. 43 (1) of the Act of 1890, as amended by s. 1 of the Act of 1894, a local authority are authorised to borrow for the purpose of this part in like manner, and subject to the like conditions, as for the purpose of defraying the expenses of the execution by the authority of the Public Health Acts.

PART III.

[This Part is only in force in areas for which it has been adopted.]

1. Local authorities within the Administrative County of London.—The LONDON COUNTY COUNCIL and the COMMON COUNCIL OF THE CITY OF LONDON may borrow for the purpose of the execution of this part of the Act, in like manner and subject to the like conditions, as they may borrow for the purposes of Part I. (s. 66).

The COUNCIL OF A METROPOLITAN BOROUGH are, by s. 3 (2) of the Act of 1900, empowered to borrow for the purposes of this part in like manner and subject to the like conditions, as for the purposes of Part II.

2. Local authorities (outside London).—A TOWN COUNCIL, URBAN DISTRICT COUNCIL, or RURAL DISTRICT COUNCIL may borrow under s. 66 of the Act of 1890, for the purpose of the execution of this part of the Act in like manner, and subject to the like conditions, as for the purpose of defraying the general or special expenses mentioned in s. 65.

(a) See footnote (b) on p. 396.

(b) See footnote (a) on p. 396.

GENERAL REMARKS.

By virtue of the provisions of ss. 25 (4), 43 (1), and 66 of the Act of 1890, s. 1 of the Act of 1894, and s. 233 of the Public Health Act, 1875, the sanction of the Local Government Board is necessary to the borrowing of money by local authorities (outside London) for the purposes of the Housing of the Working Classes Acts, 1890 to 1903.

In pursuance of s. 1 (2) of the Act of 1903, money borrowed under the Housing of the Working Classes Acts is not to be reckoned as part of the debt of the local authority for the purposes of the limitation on borrowing under sub-ss. (2) and (3) of s. 234 of the Public Health Act, 1875. This provision, of course, only affects local authorities outside the administrative County of London.

The local rates, on the security of which local authorities are empowered to borrow, are as shown in the following table :

Local Authority.	Local Rate.
LONDON COUNTY COUNCIL .	The county fund, and the amount payable is to be deemed to be required for special county purposes (a).
COMMON COUNCIL OF CITY OF LONDON	The general rate levied by the common council (b).
COUNCIL OF A METROPOLITAN BOROUGH	The general rate of the borough (c).
TOWN COUNCIL OR URBAN DISTRICT COUNCIL (outside London)	The rate out of which the general expenses of the execution of the Public Health Acts are defrayed. Where, however, the local authority do not levy a borough rate or any general district rate, but are empowered by a local Act or Acts to borrow money and to levy a rate or rates throughout the whole of their district for purposes similar to those or to some of those for which a general district rate is leviable, it is lawful for such authority to defray the expenses incurred in the execution of Part III. of the Act of 1890 by means of money to be borrowed and a rate or rates to be levied, under such local Act or Acts (a).
RURAL DISTRICT COUNCIL .	The rate out of which the "general" or "special" expenses, as the case may be, of the execution of the Public Health Acts are defrayed (a).

(a) See s. 92 and First Schedule of Act of 1890.

(b) See s. 92 and First Schedule of Act of 1890, and City of London Sewers Act, 1897, and s. 15 of the City of London (Union of Parishes) Act, 1907.

(c) See s. 92 and First Schedule of Act of 1890, and s. 10 (1) of London Government Act, 1899, and s. 3 of the Act of 1900.

It appears from p. xlv of the 36th Annual Report of the Local Government Board that the total amounts of loans sanctioned by them to local authorities for the purposes of the Housing Acts since the passing of the Act of 1890 were as follows:—

Year ended December 31st.	Amount of Loans.
1891	£117,375
1892	211,360
1893	103,450
1894	24,389
1895	138,273
1896	50,150
1897	145,182
1898	111,740
1899	364,347
1900	608,512
1901	469,112
1902	339,410
1903	1,031,476
1904	653,726
1905	180,631
1906	154,791
Total	£4,703,924

Advances by Public Works Loan Commissioners.—The commissioners may, on the recommendation of the confirming authority (now, in all cases, the Local Government Board), lend to any local authority any money required by them for purposes of Part I. of the Housing of the Working Classes Act, 1890, on the security of the local rate, the loan to be repaid within such period, not exceeding fifty years, as may be recommended by the confirming authority (s. 25 (5)).

The commissioners may, if they think fit, lend to any local authority the sums borrowed in pursuance of Part II. of the Act of 1890 (s. 43 (2)). No recommendation on the part of the confirming authority is required to advances under this enactment.

With regard to advances to urban and rural authorities (outside London) for the purposes of Part III., the commissioners

take the view that the provisions of s. 243 of the Public Health Act, 1875, are rendered applicable by s. 66 of the Act of 1890; and, accordingly, the recommendation of the Local Government Board will be necessary to advances by the commissioners where the period for repayment exceeds thirty years.

It will be seen from the foregoing statements, that, notwithstanding that s. 1 (1) of the Act of 1903 fixes eighty years as the maximum period for the repayment of loans under the Housing Acts, the Public Works Loan Commissioners are precluded from making advances for purposes of Parts I. and III. of the Act of 1890 for a period exceeding fifty years. No such limitation of period exists as regard advances for purposes of Part II., but it may be remarked that the commissioners do not lend money for such purposes for a longer period than fifty years.

The rate of interest to be charged by the commissioners is to be determined by the Treasury in pursuance of s. 83 of the Act of 1890. As to the rates of interest now in force, (see under Part X., "Borrowing").

The commissioners are also empowered to advance loans to various companies, societies, and individuals by s. 67 of the Act of 1890.

The following statement shows the amount of loans advanced by the Public Works Loan Commissioners for the purposes of the Housing of the Working Classes Acts in England and Wales during the seven financial years 1900—1 to 1906—7.

Year.	Advances to Local Authorities.			Advances to Companies, etc.	Gross Total.
	Urban.	Rural.	Total.	Amount.	
	£	£	£	£	£
1900—1	118,540	1,800	120,340	23,270	143,610
1901—2	102,866	—	102,866	57,100	159,966
1902—3	102,723	1,850	104,573	18,375	122,948
1903—4	38,594	—	38,594	16,185	54,779
1904—5	47,807	2,450	50,257	36,490	86,747
1905—6	11,191	—	11,191	27,050	38,241
1906—7	6,635	200	6,835	18,536	25,371
Totals.	428,356	6,300	434,656	197,006	631,662

Periods for repayment of loans.—The periods usually allowed by the Local Government Board for the repayment of loans sanctioned by them under the Housing Acts are:

For purchase of freehold land	. 80 years.
For erection of buildings	. . 60 „
For sewers and street works	. . ordinary periods (a).

Eighty years is the maximum period which can be granted for the repayment of loans for the purposes of the Housing Acts (see s. 1 (1) of the Housing of the Working Classes Act, 1903).

Circulars, memoranda, etc., of Local Government Board.—The following circulars, memoranda, digests, etc., with reference to the housing of the working classes have been issued by the Local Government Board since the passing of the Housing of the Working Classes Act, 1890:—

CIRCULAR LETTER, dated 3rd October, 1890, to county councils other than the London County Council.

MEMORANDUM, dated October, 1890, on the Housing of the Working Classes Act, 1890 (county councils other than the London County Council).

CIRCULAR LETTER, dated 3rd October, 1890, to sanitary authorities and metropolitan vestries and district boards.

MEMORANDUM (b), dated October, 1890, on the Housing of the Working Classes Act, 1890 (urban sanitary authorities).

MEMORANDUM (b), dated October, 1890, on the Housing of the Working Classes Act, 1890 (rural sanitary authorities).

MEMORANDUM (b), dated October, 1890, on the Housing of the Working Classes Act, 1890 (metropolitan vestries and district boards and local board of Woolwich).

CIRCULAR LETTER (b), dated 23rd June, 1900, to sanitary authorities.

CIRCULAR LETTER, dated 29th August, 1900, to town councils and urban district councils.

CIRCULAR LETTER (b), dated 29th August, 1900, to rural district councils.

(a) As to these, see under the respective subjects.

(b) This has been placed on sale, and may be purchased from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C., either directly or through any bookseller.

DIGEST (*a*) (1900) of Part I. of the Housing of the Working Classes Act, 1890.

DIGEST (*a*) (1900) of Part II. of the Housing of the Working Classes Act, 1890.

DIGEST (*a*) (1900) of Part III. of the Housing of the Working Classes Act, 1890, as amended by the Housing of the Working Classes Act, 1900.

DIGEST (1900) of provisions as to removal of nuisances (Public Health Act, 1875).

DIGEST (1900) of the provisions as to removal of nuisances of the Public Health (London) Act, 1891.

CIRCULAR LETTER, dated 31st August, 1900, to county councils.

CIRCULAR LETTER, dated 5th September, 1900, to parish councils.

CIRCULAR LETTER (*a*), dated 22nd September, 1903, to town councils and urban district councils with reference to the Housing of the Working Classes Act, 1903.

CIRCULAR LETTER, dated 28th October, 1903, to metropolitan borough councils with reference to the Housing of the Working Classes Act, 1903.

NOTE.—The circular letters, memoranda, and digests above referred to deal with the powers and responsibilities of local authorities and explain the statutory provisions with respect to the housing of the working classes.

MEMORANDUM, dated January, 1903, with respect to the provision and arrangement of dwellings. A copy of this is set out below.

GENERAL ORDER (*a*), dated 7th January, 1905, made pursuant to s. 8 (2) of the Housing of the Working Classes Act, 1903, prescribing forms in substitution for those in the Fourth Schedule to the Housing of the Working Classes Act, 1890.

CIRCULAR LETTER (*a*), dated 9th January, 1905, forwarding

(*a*) This has been placed on sale, and may be purchased from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C., either directly or through any bookseller.

copies of the above-mentioned general order to the local authorities.

NOTE.—This circular explains the nature of the questions which arose in the preparation of the forms and the conclusions at which the Board arrived in regard thereto, contains observations on the new forms prescribed by the order, and suggests forms of orders determining closing orders.

CIRCULAR LETTER, dated May 2nd, 1905, calling attention to the transfer to the Local Government Board by Order in Council of the powers and duties of the Secretary of State under the Housing Acts, and under local Acts so far as they relate to the housing of the working classes. For further information as to this transfer of jurisdiction, see p. 395.

INSTRUCTIONS as to applications to the Local Government Board for the confirmation of improvement schemes under Part I. of the Housing of the Working Classes Act, 1890, by orders which may become provisional in accordance with the provisions of s. 5 of the Housing of the Working Classes Act, 1903.

NOTE.—These are issued annually, usually at the commencement of September.

The attention of local authorities is specially directed to the memorandum issued by the Board with respect to the provision and arrangement of dwellings, which is in the following terms :—

THE HOUSING OF THE WORKING CLASSES ACT, 1890.

MEMORANDUM WITH RESPECT TO THE PROVISION AND ARRANGEMENT OF DWELLINGS.

The Local Government Board, in connection with schemes and proposals submitted to them by local authorities in pursuance of Parts I., II., and III. of the Housing of the Working Classes Act, 1890, have had occasion to consider the principles which should be observed in the construction of new dwellings, when these are provided either by the local authorities

themselves, or by other persons under grants, leases, or contracts, to which the local authorities are party.

In this memorandum the Board have summarised their views upon the more important of these principles, so far as they are applicable to the erection of (a) separate houses or cottages, whether detached, semi-detached, or in rows or terraces; (b) tenement dwellings in houses or blocks; and (c) buildings intended for use as lodging-houses, occupied otherwise than as separate dwellings.

(a) Separate Houses or Cottages.

The ordinary dwelling adapted to the working-class family should comprise a living room, with a scullery and pantry attached, and two or three bedrooms—one for the parents, and one or two for the children—together with the necessary conveniences and out-offices. In rural districts accommodation may sometimes be conveniently arranged in a one-storey cottage, but in urban districts it will more often be found economical to arrange it in a two-storey cottage.

It is important that every dwelling should be arranged so as to have ample open space both in front and at the rear, and on this account back projections should only be made where the width or frontage of the building is quite sufficient to secure adequate light and air to the rear windows. It is also important that windows should open into such space in each storey, so as to ensure adequate through ventilation of the dwelling.

The living room, being the principal one and used by all the inhabitants in common, ought to be as large and commodious as practicable. It should have an area of not less than 144 square feet, and preferably more, with a clear height of from 8 to 9 feet. The pantry or larder is better entered from the living room than actually within it, and, in order that food may be kept there without being affected by heat or by the air of the living room, it should, in either case, be well lighted and ventilated by a separate window opening into the external air, and be well removed from any fireplace or chimney-flue. The scullery, which should have a floor-area of some 90 square feet, should be entered directly from the living room, and be fitted with a sink (with water laid on), plate-rack, etc., and a boiling copper for washing purposes. In some districts a bread oven may also be provided in the scullery, in which

case an oven in the kitchen range in the living room fireplace is not so necessary, but a boiler, for hot-water supply, is always indispensable in the kitchen range. The fuel store, whether for coal or wood, may be either outside in the back yard or in a cellar, but wherever a cellar is provided it is important that special care should be taken to protect the interior of the house from damp and ground-air penetrating the walls of the cellar. The cellar should have means of light, and of ventilation into the external air; and, whether a cellar be provided or not, the site of the building should be covered with an impervious layer of cement concrete, especially if on made or damp ground. Cellars should not be constructed in damp or low-lying areas. The staircase should be as independent of the rooms as possible in order to obviate its conveying vitiated air from the cellars or living room to the rooms above, and for this reason the arrangement of the staircase between the front and back rooms should be avoided as far as possible. Means of light and ventilation should be provided for staircases. There should be a separate water-closet for each dwelling, with an entrance under cover if possible—as from a porch—direct from the outside. The bedrooms ought to be as large as the circumstances permit, and from 8 to 9 feet in height throughout. There should be one bedroom, containing at least 1,080 cubic feet, for parents and a child. The second bedroom should contain at least 720 cubic feet, and if the space admits a third room somewhat smaller may be provided.

The above accommodation will be found adequate for an average of some five persons in the dwelling. It may occasionally be desirable to provide an additional bedroom in an attic storey, but this is rarely needed for the family, while, where it is not so needed and is still provided, it tends to encourage the practice of receiving one or more lodgers—a practice which is by no means free from objection. Where persons needing lodging accommodation are at all numerous, the Sanitary Authority would do well to consider the expediency of providing suitable lodging-houses under the Act. While, however, accommodation in three or four bedrooms is recommended in each tenement or dwelling, there may frequently be demand for two or three-room tenements by persons of a class who would be reluctant to avail themselves of the lodging-houses; and it may be worth considering whether some such

accommodation might not usefully be provided in the class of dwellings referred to below.

(b) *Tenement Dwellings in Houses and Blocks.*

Tenements in houses which consist of a ground-floor tenement reproduced with separate entrance upon the first floor come practically within the category of separate houses and should be arranged accordingly. In this class of dwelling particular attention should be paid to the provision of suitable access to the first floor dwelling from the front and access to the yard at the rear, sufficient space being provided at the rear to enable such space to be divided so as to form an adequate separate yard for each tenement and to afford room for separate sanitary conveniences for each tenement.

Where the dwellings take the form of tenements or flats arranged in blocks, as is often necessary in towns and thickly populated areas, care should be taken so to arrange each building that ample open space may be provided both in its front and its rear, in order that there may be ample light and free circulation of air about the building. To this end it is desirable to limit the height of the blocks to some three, or at most four, storeys, unless the distance across the open space to the front and rear be unusually great; also to restrict the length of each block in order that wide gaps may be provided between one block and another for promoting circulation of air. Blocks of dwellings should not be directly connected together at a right angle or an acute angle. The staircase giving access to the several dwellings in a block should be quite open, on one side at least, to the external air, and of convenient width and easy rise, winder steps being avoided as far as practicable.

In the planning of dwellings in blocks, care should be taken that the rooms are so arranged that a current of air may pass through them. Tenements arranged back to back, or without through ventilation, are open to objection; and it is undesirable that more than two rooms should be approached one from another *en suite*.

The dwellings are best arranged so that each staircase will give access to two dwellings—one on each side of it—in each storey. Balconies or galleries in each storey, having a staircase at each end, are generally objected to as means of access

to a range of dwellings in a block or series of blocks, as failing to give the same amount of privacy that is afforded by the staircase between the vertical sets of dwellings.

Where dwellings are arranged in blocks, or on the house tenement principle, special care becomes necessary that the water-closet requisite for each dwelling is contrived so as to be practically outside the dwelling. It can generally be entered from a recessed open verandah, which will also be found useful for other purposes. Space will have to be found for a sufficient store of fuel, and it is desirable to contrive this so that it may be filled from the staircase and thus avoid the dust and dirt that would result from bringing in sacks of coal and emptying them inside the dwelling. So, too, a dust shoot from each of the upper floors should, if provided, be exterior to the dwellings, and would need special contrivance, by means of double doors opening and closing together, or by some other means, to prevent it from becoming a nuisance. The provision of sinks in the living room is undesirable and should be avoided as much as possible.

The construction of the block dwellings must be as reasonably secure from danger of fire as possible. The stairs must, of course, be of incombustible material, and it is highly desirable that the floors should also be so formed as far as practicable. If the roof is constructed flat in order to serve as a place of recreation for children, or as a drying place for linen after it has been washed in properly arranged washhouses which may be constructed there, it may serve, in case of fire, as a useful means of escape from a staircase which may be temporarily obstructed to another staircase in the same block. Where the roof is constructed in this way, however, it is desirable to make it not only weather-tight, but as sound-proof as practicable, as otherwise the occupiers of the dwellings immediately under the roof are liable to be inconvenienced by the noise of children and others above them.

(c) *Lodging-houses.*

It is desirable to limit the size of any building intended for occupation as a lodging-house, so that it may be of a capacity to hold not more than some 200 lodgers. It should be arranged so as to secure ample means of thorough ventilation within it, and the utmost facilities for the access of sunlight and for free circulation of air about the outside of it.

The accommodation within, if intended for both sexes, must be arranged for the complete separation of one sex from the other, except in any case where married couples may be received. It should comprise, for each sex, an entrance and a staircase to the upper floors, an office being provided in such a position as to control the respective entrances for the males and females. A day room with floor-area affording some 15 square feet to each lodger is requisite, and, unless a proper kitchen range is provided therein, a general kitchen will also be requisite with suitable range or ranges and other appliances where the lodgers may cook their food. A scullery, where the food utensils may be cleaned and kept, is also desirable.

In lodging-houses of large capacity a common room should be provided in addition to a dining-room.

The sleeping rooms may appropriately be in the upper storeys, and are best of moderate size, holding not more than about twenty lodgers each. They should be some 10 or 11 feet in height, and if provided with good means of ventilation by windows in their opposite external sides they may be arranged so that each bed will have some 5 feet lineal of wall space, 40 square feet of floor-area, and from 300 to 400 cubic feet of air space. If, however, the means of ventilation be indifferent, those amounts of space ought to be increased. The windows should be arranged as far as practicable so as not to come immediately over any bed.

It may often be desirable to provide a certain proportion of the accommodation in separate rooms or cubicles for lodgers who may be able and willing to pay at a higher rate for the privilege of privacy.

The water-closet accommodation should be provided at the rate of one closet for every fifteen to twenty lodgers, with urinals for the male sex, and lavatories, with fixed basins and strong taps and waste pipes, in the proportion of one basin to about every ten lodgers. Sufficient baths and footpans should also be provided. Both the water-closets and the lavatories should be on the ground floor, the closets for each sex being in a separate yard. But at least one water-closet for occasional use in connection with the dormitories may be provided in the upper storeys if it be properly separated from the interior of the building by a well-ventilated lobby. A good slop sink with water laid on should also be provided near the dormitories, likewise a dry clothes store closet in which a supply of clean

sheets and blankets can be kept. A hot water cistern may conveniently be fixed in this store closet, and thus tend to keep the sheets well aired. A properly contrived hot closet is also desirable as a means of drying the wet clothes of lodgers.

It is useful to provide in some convenient position a set of lockers in which any lodger may place under lock and key any small articles and property which he does not desire to carry about with him.

The structure of the building should be as secure against danger from fire as practicable, and in every case it is desirable that alternative means of egress from the upper floors should be provided, so that in the event of the staircase in one direction being temporarily obstructed by smoke or otherwise, a safe exit may be afforded in another direction.

It must be understood that, in the lodging-houses, as well as in blocks of buildings comprising separate dwellings, a certain amount of systematic supervision will be requisite to ensure proper cleanliness and order throughout, and to protect the several tenants from neglect or carelessness on the part of their neighbours.

Local Government Board,
January, 1903.

Model plans of such dwellings have not been prepared by the Board.

Proceedings of local authorities, etc.—Much valuable information with respect to the proceedings of local authorities and other bodies in connection with the provision of dwelling accommodation for the working classes is contained in the annual reports of the Local Government Board, the annual reports of the Public Works Loans Board, and the parliamentary reports and returns referred to on pp. 449—452

APPLICATIONS TO THE LOCAL GOVERNMENT BOARD IN CONNECTION WITH IMPROVEMENT SCHEMES UNDER PART I. OF THE HOUSING OF THE WORKING CLASSES ACT, 1890.

Statutory provisions as to making scheme.—Section 6 of the Act of 1890, prescribes the requisites of an improvement scheme under Part I. of the Act, and s. 7 of that Act, as

modified by s. 5 (1) of the Act of 1903, regulates the publication and service of notice of the scheme (a).

Section 8 of the Act of 1890 provided for the making and confirmation of Provisional Orders. The Provisional Order was to be made on the petition of the local authority, after proof of compliance with the requirements of the Act and after consideration by the central authority of the report of a local inquiry; the Order was to declare the limits of the area comprised in the scheme and might authorise the scheme to be carried into execution with or without conditions and modifications.

Section 8 of the Act of 1890 was amended by sub-ss. (2) and (3) of s. 5, and s. 6 of the Act of 1903; and an order of the Local Government Board confirming an improvement scheme will now take effect without confirmation by Parliament in cases :

- (a) Where land is not proposed to be taken compulsorily ;
and
- (b) Where, although land is proposed to be taken compulsorily, the statutory requirements as to service of notice and publication of the draft order have been satisfied, and no petition has been presented to the Board against the draft order by any owner of such land within two months after the date of the publication and service of notice, or, if presented, has been withdrawn.

How petition for order should be presented.—In pursuance of s. 8 (2) of the Act of 1890 the petition of the local authority for an order confirming an improvement scheme *must* be accompanied by a copy of the scheme and *must* state the names of the owners or reputed owners, lessees or reputed lessees, who have dissented in respect of the taking of their

(a) Forms of advertisements and notices under Part I. of the Act of 1890 were prescribed by the Local Government Board in pursuance of s. 27 of that Act by a General Order dated October 2nd, 1890. It is not obligatory on any persons to adopt these Forms, but the Forms, when adopted, are to be deemed sufficient for all the purposes of that part of the Act.

The confirming authority have power to dispense with the publication of any advertisement or the service of any notice in certain circumstances (s. 28).

lands, and *must* be supported by such evidence as the Local Government Board, according to the circumstances of the case, may from time to time require.

It is the practice of the Local Government Board to issue every year—usually in the earlier part of September, printed instructions with respect to applications to them for the confirmation of improvement schemes under Part I. of the Housing of the Working Classes Act, 1890; and the utmost care should be taken by local authorities making such applications to comply in all respects with those instructions and the Standing Orders of Parliament, material extracts from which are embodied therein. Copies of the instructions which are supplied by the Board on request are headed “PROVISIONAL ORDER INSTRUCTIONS C.”

No forms for the petition (which should be on paper of foolscap size) or the statutory declarations required to be furnished in pursuance of the instructions referred to have been prescribed by the Local Government Board, but the following forms will be found suitable for these purposes.

1. *Form of Petition.*

The Housing of the Working Classes Act, 1890,
and
The Housing of the Working Classes Act, 1903.

To the Local Government Board.

Petition of the (a) _____

Sheweth :—

1. That your petitioners are the local authority for the
(b) _____ for the purposes of Part I. of the
Housing of the Working Classes Act, 1890.

(a) Insert name of local authority.

(b) Insert city, borough, or urban district of _____, as the case may be.

2. That your Petitioners, being satisfied of the truth of the official representation made to them in the matter, and of the sufficiency of their resources, did, on the day of , 19 , pass a resolution to the effect that a certain area in their district is an unhealthy area, and that an improvement scheme ought to be made in respect of such area.
3. That your Petitioners did on the day of , 19 , make a scheme for the improvement of the said area. Two copies of the said scheme accompany this Petition.
4. That your Petitioners have complied with the requirements of the said Act, as amended by s. 5 (1) of the Housing of the Working Classes Act, 1903, with respect to the publication of an advertisement and the service of notices.
5. That the names of the owners or reputed owners and lessees or reputed lessees who have dissented in respect of the taking of their lands, are set out in the Schedule hereto.

SCHEDULE.

I. *Names of Owners or reputed Owners.*

II. *Names of Lessees or reputed Lessees.*

Your Petitioners therefore pray that an Order may be made by the Local Government Board confirming the said scheme.

The Seal of the said Local
Authority was hereunto
affixed this
day of , 19



2. *Form of Statutory Declaration to be made by the Clerk to the Local Authority in pursuance of Paragraph 2 (h) of "Provisional Order Instructions C" of the Local Government Board.*



The Housing of the Working Classes Act, 1890,
and
The Housing of the Working Classes Act, 1903.

I (a) _____

do solemnly and sincerely declare as follows:—

1. An advertisement was published during three consecutive weeks (b) in the (c) _____, being a newspaper circulating within the district of the (d) _____, giving notice that the said local authority have, in pursuance of Part I. of The Housing of the Working Classes Act, 1890, made a scheme for the improvement of a certain area, and stating the limits and admeasurement of the said area, and naming a place within (e) _____, where a copy of the said scheme, accompanied by maps distinguishing the lands proposed to be taken compulsorily, and by particulars and estimates, might be seen at all reasonable hours. Copies of the newspaper containing the advertisement are hereunto annexed and marked respectively, "A," "B," and "C."
2. A copy of the said scheme, accompanied by maps, particulars, and estimates as aforesaid were deposited at the (f) _____

- (a) Insert name and description of declarant, *e.g.* John Jones, Town Clerk of _____
- (b) These may be at any period of the year.
- (c) Insert title of newspaper.
- (d) Insert name of local authority.
- (e) Insert "such area," or "the vicinity of such area," as the case may be.
- (f) Mention place of deposit.

3. *Form of Statutory Declaration as to service of Notices to be made by the person who served the notices (see Paragraph 2 (g) of "Provisional Order Instructions C" of the Local Government Board).*



The Housing of the Working Classes Act, 1890,
and
The Housing of the Working Classes Act, 1903.

I (a) _____

do solemnly and sincerely declare as follows :—

1. During the thirty days next following the (b)
day of _____, 19____, I served notice
upon the persons named in the lists hereunto annexed
in respect of the intention of the (c)
to present a Petition to the Local Government Board
for an Order confirming an improvement scheme made
by the said local authority under the Housing of the
Working Classes Act, 1890.
2. I effected service upon each of the persons named in the
list marked "A" by delivering the notice personally to
such person.
3. I effected service upon each of the persons named in the
list marked "B" by delivering the notice to his agent,
as such person was absent abroad, or could not be
found.
4. I effected service upon each of the persons named in the
list marked "C" by leaving the notice on the premises,
as such person was absent abroad and could not be
found, and no agent could be found.

(a) Insert name and description of declarant, e.g. John Jones, clerk to
_____, Town Clerk of the Borough of _____.

(b) Insert the date of the last publication of the advertisement (see s. 4 of
the Housing of the Working Classes Act, 1890, as amended by s. 5 (1) of the
Housing of the Working Classes Act, 1903).

(c) Insert name of local authority.

5. I effected service upon each of the persons named in the list marked "D" by leaving the notice at the usual or last known place of abode of such person.
6. I effected service upon each of the persons named in the list marked "E" by sending the notice by post addressed to the usual or last known place of abode of such person.

And I make this solemn Declaration conscientiously believing the same to be true; and by virtue of the Statutory Declarations Act, 1835.

Declared at
in the county of
this day of
19 .
Before me (a)

, } (Signature of Declarant).

This is the list marked " , " referred to in the Declaration
of , made this
day of , 19
Before me (a)

OWNERS OR REPUTED OWNERS.

Names.	Numbers of properties on deposited map.

LESSEES OR REPUTED LESSEES.

Names.	Numbers of properties on deposited map.

(a) The declaration must be made before a Justice of the Peace or a Commissioner for Oaths.

OCCUPIERS.

Names.	Numbers of properties on deposited map.

Schemes confirmed by Local Government Board.—Up to 31st December, 1906, Provisional Orders had been made by the Local Government Board confirming improvement schemes under Part I. of the Housing of the Working Classes Act, 1890, as shown in the following table:—

Place.	Year.	Act confirming Order where Provisional (a).
Bath	1900	63 & 64 Vict. c. 185.
Birkenhead	1896	59 & 60 Vict. c. 238.
"	1901	1 Edw. 7, c. 153.
"	1902	2 Edw. 7, c. 89.
Birmingham	1895	58 & 59 Vict. c. 93.
Bolton	1903	3 Edw. 7, c. 57.
Bradford (Yorks.)	1902	2 Edw. 7, c. 89.
Brighton	1891	54 & 55 Vict. c. 213.
"	1899	62 & 63 Vict. c. 115.
Devonport	1898	61 & 62 Vict. c. 99.
Leeds	1896	59 & 60 Vict. c. 238.
"	1901	1 Edw. 7, c. 171.
Leigh (Lancs.)	1895	58 & 59 Vict. c. 94.
Liverpool	1902	2 Edw. 7, c. 89.
Plymouth	1893	56 & 57 Vict. c. 111.
Portsmouth	1894	57 Vict. c. 17.
Prescot	1901	1 Edw. 7, c. 153.
Salford	1891	54 & 55 Vict. c. 213.
Sheffield	1894	57 & 58 Vict. c. 45.
"	1898	61 & 62 Vict. c. 99.
Southampton	1895	58 & 59 Vict. c. 93.
Stretford	1893	56 & 57 Vict. c. 138.
Sunderland	1894	57 & 58 Vict. c. 45.
Wigan	"	" " "

Since the passing of the Housing of the Working Classes Act, 1903, an order of the Board confirming an improvement scheme under Part I. of the Act of 1890 does not require to

(a) Copies of these Acts may be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, E.C.

be submitted to Parliament for confirmation in the circumstances mentioned in s. 5 (2) of the first-mentioned Act. And one scheme relating to Richmond (Surrey) was confirmed in 1906 by an ordinary Order of the Board, which did not require confirmation by Parliament.

• It appears from the annual reports of the Local Government Board that all schemes sanctioned by the Board under Parts I. and II. of the Act of 1890 contain provisions as to the uses to which the areas are to be appropriated when cleared and, under ordinary circumstances, they provide for the construction of new dwellings in lieu of those to be taken down. Where the scheme itself does not embody satisfactory proposals in these matters, the Board make the necessary modifications by their confirming order.

Deposit of maps and plans.—Paragraphs (1), (2), and (3), of the Second Schedule to the Housing of the Working Classes Act, 1890, deal with the deposit of maps and plans.

Paragraph (2) requires the maps to be upon such scale and framed in such manner as may be prescribed by the confirming authority. The Local Government Board have issued no general regulation on the matter, but the scale of the maps and the manner in which they should be framed is prescribed in each case upon application being made to the Board for that purpose. It would seem desirable, with a view to saving unnecessary trouble and expense, that any application to the Board to prescribe the scale of the maps and the manner in which they should be framed should be made before the local authority proceed to prepare the maps. A letter signed by the clerk to the local authority will be a sufficient application..

Appointment of arbitrator.—An application to the Local Government Board to appoint an arbitrator under paragraph (4) of the Second Schedule to the Act of 1890, should be accompanied by—

1. A copy of a resolution of the local authority directing the application to be made;
2. Information as to the date on which the maps and schedules were deposited at the office of the Local Government Board; and

3. A statement showing in what cases agreement has not been arrived at as to the compensation to be paid.

Modification of scheme.—Section 15 of the Act of 1890 and s. 6 of the Act of 1903 enable the Local Government Board to modify improvement schemes sanctioned under Part I. of the Act of 1890.

An application by a local authority to the Board under s. 15 of the Act of 1890 for permission to modify an improvement scheme should be accompanied by—

- (1) A copy of a resolution of the local authority directing the application to be made and specifying the particular modifications proposed ;
- (2) Plans (where possible) illustrating the proposals ;
- (3) A concise statement of the grounds on which the application is based ;
- (4) A comparative statement showing the expenditure sanctioned by the former scheme and that which will be required by the proposed modification, if authorised ; and
- (5) Information as to whether the modification will involve the taking of any property otherwise than by agreement or will affect injuriously other property in a manner different to that proposed in the former scheme and, if so, whether the written consents of the owner and occupier of such property have been obtained.

An application by a local authority to the Board to modify an improvement scheme in pursuance of the provisions of s. 6 of the Act of 1903 should be accompanied by the particulars indicated in (1) and (2) above.

Application for sanction to loan.—An application by a local authority to the Local Government Board for sanction to a loan for the purposes of an improvement scheme under Part I. of the Act of 1890 should be accompanied by the following particulars :

- (1) A copy of a resolution of the authority directing the application to be made (a) ;
- (2) A detailed statement in tabular form showing how the amount required for the purchase of property is made up ;

NOTE.—The statement should refer to the properties by the numbers on the deposited map, should set out the price to be paid for each property and indicate whether such price has been agreed upon or settled by arbitration ; *e.g.*

No. on Deposited Map.	Description of Property.	Price.	Arrived at by.
50	5, Green Street	£ s. d. 350 0 0	Agreement.
38	22, Silver Street	225 7 6	Arbitration.
	Total . .	£575 7 6	

- (3) Detailed estimates of the cost of any proposed works, *e.g.* sewers, laying out streets, etc., and of any dwellings to be erected (b). If the total amount of the estimates, etc., does not correspond with the amount for which application for sanction to borrow is made, an explanation of the difference should be given ;
- (4) Plans and sections of the intended works and elevations also in the case of any proposed buildings. As regards buildings, the proposed drainage arrangements should be clearly shown on a block plan (c) ;
- (5) A certificate by the surveyor of the local authority that the plans comply in all respects with the byelaws as to new streets and buildings in force in the district ; and
- (6) If there will be any surplus land, information should be furnished as to its area and how it is to be dealt with.

(a) See also "RESOLUTIONS," p. 8.

(b) See also "ESTIMATES," p. 4.

(c) See also "PLANS," p. 6. •

Retention of dwellings.—An application by a local authority to the Local Government Board under s. 12 (5) of the Act of 1890 for permission to retain dwellings beyond the period mentioned should be accompanied by—

- (1) A copy of a resolution of the authority directing the application to be made, and stating for what further period it is desired to retain the dwellings;
- (2) Precise information as to the date of the completion of the dwellings and as to the scheme under which they were erected; and
- (3) A concise statement of the grounds on which the application is based.

It would seem desirable that the application should be deferred until the approach of the end of the period allowed by the statute, but in sufficient time to allow of a decision being given before the expiration of the period.

APPLICATIONS TO THE LOCAL GOVERNMENT BOARD IN CONNECTION WITH RECONSTRUCTION SCHEMES FOR SMALL AREAS UNDER PART II. OF THE HOUSING OF THE WORKING CLASSES ACT, 1890.

Statutory provisions as to making scheme.—Section 39 of the Act of 1890 enacts provisions with regard to schemes for the reconstruction of an area comprising houses closed by closing orders or the improvement of an unhealthy area too small to be included in a scheme under Part I. The section provides for due publication of notices, the presentation of a petition to the Local Government Board, and the making by them of an order confirming the scheme. The order may incorporate the compulsory provisions of the Lands Clauses Acts, but if the authority are unable to acquire the lands by agreement the order must be published in the *London Gazette* and notice thereof served upon the owners.

In certain events the order may become provisional and require confirmation by Parliament. If the local authority fail to agree for the purchase of the land and notice of the order has to be published in the *Gazette*, a statutory declaration

made by the clerk of the authority to that effect should be forwarded to the Local Government Board proving such failure to agree together with evidence of the publication of the order sanctioning the scheme by insertion of the notice in the *London Gazette*, and by the service of the notice on the owners of every part of the area. The declaration should be framed so as to afford proof of such insertion and service, and a copy of the *Gazette* containing the advertisement and of the notice served on the owners should be appended thereto as exhibits.

Section 39 of the Act of 1890 was amended by ss. 6 and 7 of the Act of 1903.

Section 40 of the Act of 1890, enabled the Local Government Board by their order to require the provision of such dwelling accommodation for the persons displaced as may seem to them to be required.

How petition for order should be presented.—A form of petition for an order sanctioning a scheme under Part II. of the Housing of the Working Classes Act, 1890, has not been prescribed by the Local Government Board, but the following form will be found suitable for the purpose; and the petition should be on paper of foolscap size:

Form of Petition.

The Housing of the Working Classes Act, 1890,
and
The Housing of the Working Classes Act, 1903.

To the Local Government Board.

Petition of the (a) _____

Sheweth:

1. That your Petitioners are the local authority for the
(b) _____ for the purposes of Part II. of the
Housing of the Working Classes Act, 1890.

(a) Insert name of local authority.

(b) Insert city, borough, urban district or rural district of _____, as the case may be.

2. That your Petitioners did on the _____ day of
19____, pass a resolution to the effect that (a) _____

and they directed a scheme to be prepared for the improvement of the said area. A copy of the said resolution together with copies of the scheme which has been prepared as directed accompany this Petition.

3. That your Petitioners have served notice of the scheme as required by the said Act.
4. That the names of the owners or reputed owners, and lessees or reputed lessees who have dissented in respect of the taking of their lands are set out in the schedule hereto.

SCHEDULE.

I. *Names of Owners or reputed Owners.*

II. *Names of Lessees or reputed Lessees.*

Your Petitioners therefore pray that an order may be made by the Local Government Board sanctioning the said scheme.

The seal of the said Local

Authority was hereunto

affixed this

day of _____, 19____.



The petition should be accompanied by :

- (1) Three copies of the scheme ;
(2) Three copies of the Book of Reference to the Plan ;

(a) State the effect of the resolution in the language of s. 39 (1) of the Act of 1890.

- (3) Three copies of the estimate of the cost of carrying out the scheme;
- (4) A plan of the area comprised in the scheme;
- (5) A copy of any order made for the demolition of a building, if s. 39 (1) (a) of the act is applicable;
- (6) A statutory declaration (a) made by the clerk to the local authority showing that notice of the scheme has been served on every owner or reputed owner, lessee or reputed lessee, and occupier of any part of the area comprised in the scheme, so far as those persons can be reasonably ascertained, as required by s. 39 (2). Copies of the forms of notice served on the owners, lessees, and occupiers should be annexed to the declaration as exhibits;
- (7) A statutory declaration (a) by the person who served the notices, specifying in which of the modes mentioned in s. 7 of the Act the notices have been served and the names of the persons so served;
- (8) A copy of the resolution passed by the local authority under s. 39 (1) ;
- (9) Information as to the area and total population of the area to which the scheme relates ;
- (10) A statement showing the number of persons of the working classes who will be displaced and the manner in which it is proposed to provide accommodation for such persons; and
- (11) A copy of any report which may have been made by a committee of the local authority or the Medical Officer of Health in relation to the area and the scheme.

Modification of Schemes.—The statutory provisions with respect to the modification of schemes under Part II. of the Housing of the Working Classes Act, 1890, are contained in sub-section (9) of s. 39 of that Act and s. 6 of the Act of

(B) In preparing the declarations the Forms hereinbefore suggested for use in the case of applications for orders confirming improvement schemes under Part I. should be referred to for guidance.

1903. Applications by local authorities to the Local Government Board to sanction modifications of schemes under this part of the Act of 1890 should be accompanied by similar particulars to those indicated on p. 420, as being required in connection with the proposed modification of improvement schemes under Part I.

Schemes sanctioned by Local Government Board.—Up to December 31st, 1906, schemes of the under-mentioned local authorities for reconstruction of areas under Part II. of the Act of 1890 had been sanctioned by the Local Government Board:

1. ADMINISTRATIVE COUNTY OF LONDON.

- (i) London County Council (various schemes).
- (ii) *Metropolitan Borough Councils* (or their predecessors)

Bermondsey.	St. Pancras.	Southwark.
Islington.	Shoreditch.	Stepney.

2. OUTSIDE LONDON.

Town Councils—

Darwen.	Lancaster.	Poole.
Eccles.	Leeds.	Tamworth.
Hereford.	Manchester.	

As to provisions which are always embodied in the schemes or orders sanctioning them, see the remarks on p. 419. The following clauses indicate generally the character of some of the usual provisions contained in such schemes or orders:

- (i) The scheme, so far as it relates to the laying out of convenient streets and other matters not provided for in the order, to be carried out in such manner as may be approved by the Local Government Board.
- (ii) Suitable dwellings to be erected for persons of the working class displaced, as respects places outside the administrative county of London, according to plans to be approved by the Local Government Board; and, as respects places in London, according to

plans to be prepared by the local authority and agreed upon between them and the London County Council, any difference to be referred to the determination of the Local Government Board.

- (iii) The clearance of the site and the erection and completion fit for occupation of dwellings for displaced persons of the working class to proceed by stages.
- (iv) If within a fixed period—generally one year—from the time when the area (or part of the area) shall have been cleared the dwellings required to be provided have not been erected, the local authority shall, unless the Local Government Board otherwise order, themselves erect such dwellings and, for the purpose of defraying the cost of the erection of such dwellings, may borrow such sums of money as the Local Government Board may sanction for that purpose.
- (v) All lands on which the new dwellings are erected in pursuance of the scheme shall for a period of twenty-five years be appropriated for the purposes of dwellings, and every conveyance, demise, or lease of such lands and buildings shall be endorsed with notice of this provision. A proviso is added enabling the Local Government Board to dispense with the requirements of this paragraph, subject to such conditions (if any) as they may see fit.
- (vi) Such of the lands in the area comprised in the scheme as shall not be required for the purpose of providing accommodation for persons of the working class shall be dedicated as a highway or open space unless the Local Government Board otherwise direct.
- (vii) The provisions of the Lands Clauses Acts shall be incorporated with this order so as to enable the local authority to acquire compulsory lands within the area comprised in the scheme.

Application for sanction to loan.—An application by a local authority to the Local Government Board for sanction to borrow money for the purposes of a scheme under s. 39 of the

Housing of the Working Classes Act, 1890, should be accompanied by similar particulars to those hereinbefore indicated as being required in connection with an application for sanction to a loan for the purposes of an improvement scheme under Part I. of the Act.

SETTLEMENT OF COMPENSATION UNDER PART II.

Appointment of arbitrator.—An application by a local authority to the Local Government Board under s. 41 (1) of the Act of 1890 to appoint an arbitrator for the settlement of the compensation payable in pursuance of Part II. of that Act, should be accompanied by—

- (1) A copy of a resolution of the local authority directing the application to be made; and
- (2) A concise statement of the circumstances which have led to the application.

Application for sanction to loan for purchase of obstructive building.—An application by a local authority to the Local Government Board for sanction to a loan for the purchase of an “obstructive building,” under s. 38 of the Act of 1890, should be accompanied by—

- (1) A copy of a resolution of the local authority directing the application to be made (a).
- (2) A plan of the premises to be purchased;
- (3) A statement showing how the amount proposed to be borrowed is made up, if this exceeds the actual amount of purchase money;
- (4) A copy of the representation made to the local authority;
- (5) The report of the surveyor respecting the circumstances of the building and the cost of pulling down the building and acquiring the land;
- (6) A certificate under the hand of the clerk to the local authority as to the service of copies of the representation and report upon the owner, and as to any subsequent attendance by such owner at the place appointed

(a) See also “RESOLUTIONS,” p. 8.

- by the local authority for the consideration of the representation and report to state objections ;
- (7) A copy of the order of the local authority directing that the premises shall be pulled down ;
 - (8) A certificate under the hand of the clerk to the local authority that no appeal has been made against the order and that the time has passed within which an appeal could be made, or that the appeal, if made, has failed or has been abandoned ;
 - (9) A copy of any declaration which may have been made by the owner under sub-s. (5) of s. 38 ;
 - (10) Information as to whether the local authority propose to acquire the site otherwise than by agreement ; and, if not, whether the purchase money represents the amount of the price as agreed between the parties ;
 - (11) A statement as to what course the local authority elect to take under sub-ss. (11) and (12) of s. 38 as regards the site, if the owner has not declared in favour of the retention of the site and the land is to be purchased by agreement.

PROVISION OF WORKING-CLASS LODGING-HOUSES UNDER PART III.
OF THE HOUSING OF THE WORKING CLASSES ACT, 1890.

Powers of local authorities.—A local authority who have adopted this part of the Act are empowered to provide “lodging-houses for the working classes.” This expression includes separate houses or cottages, whether containing one or several tenements ; and the expression “cottage” includes a garden of not more than half an acre, provided that the estimated annual value of such garden does not exceed three pounds (s. 53). For this purpose, the authority may acquire land in like manner as if it were a purpose of the Public Health Act, 1875 (ss. 175 to 178 of that Act relating to purchase of lands being made applicable), and this would enable them, if necessary, to apply to the Local Government Board for a Provisional Order authorising the compulsory

purchase of land (s. 57 (1)); they may contract for the purchase or lease of any lodging-houses for the working classes already or hereafter to be built and provided (s. 57 (2)); and they may, if not a rural district council with the consent of the Local Government Board, and if a rural district council with the consent of the county council, appropriate any lodging-houses so purchased or taken on lease and any other land which may be for the time being vested in them or at their disposal (s. 57 (3)).

The local authority may, on any land acquired or appropriated by them, erect any buildings suitable for lodging-houses and convert any buildings into lodging-houses for the working classes and may alter, enlarge, repair, and improve the same and fit up, furnish and supply them with all requisite furniture, fittings, and conveniences (s. 59); they may, if not a rural district council with the consent of the Local Government Board, and if a rural district council with the consent of the county council, sell any land vested in them for purposes of Part III., and apply the proceeds in or towards the purchase of more suitable land, or exchange any land so vested in them for land better adapted for such purposes (s. 60), and they may, subject to the same consents, sell any lodging-houses established for seven years or upwards under Part III. which they consider to be unnecessary or too expensive to be kept up; they may also, with the like consents, lease any land acquired by them for the purposes of Part III. to any lessee for building thereon and maintaining lodging-houses within the meaning of the Act (s. 5 of Act of 1900); and they may, if not a rural district council, for supplying the needs of their district, establish or acquire lodging-houses for the working classes outside their district (s. 1 of Act of 1900).

A local authority are further empowered to borrow money for the purposes of Part III. of the Act of 1890 (see p. 398), and to make byelaws for the management, use, and regulation of the lodging-houses (s. 62 of Act of 1890).

With regard to rural districts, if a parish council resolve that a rural district council ought to have taken steps for the adoption of Part III. of the Act of 1890, or to have

exercised their powers under that part, and have failed to do so, the county council may, if satisfied after due inquiry that the district council have so failed, resolve that the powers of the district council for the purposes of that part with respect to the parish shall be transferred to the county council, and the resolution is, if necessary, to have effect as an adoption of that part by the district council (s. 6 of the Act of 1900).

Select Committee on Housing.—A Bill was presented to the House of Commons by Mr. Mackarness during the session of 1906 for amending the Housing of the Working Classes Acts with the object of facilitating the housing of the working classes in rural districts; and this Bill was referred at the instance of the Rt. Honble. John Burns, President of the Local Government Board, to a Select Committee of the House of Commons with a view to the introduction of a Government measure dealing with the housing of the working classes. The committee consisted of the following eleven members of Parliament: Sir John Dickson Poynder, Bart. (chairman), Major Dunne, Mr. Mackarness, Mr. Morrell, Mr. Rowlands, Mr. Vivian, Mr. T. R. Bethell, Mr. Lane-Fox, Colonel Lockwood, Mr. Abel Smith, and Mr. Ginnell.

The reports of the committee, together with their proceedings, minutes of evidence, etc., are contained in Parliamentary Paper, No. 376, 1906, and may be purchased from Messrs. Wyman & Sons, Ltd., Fetter Lane, E.C. *Price 4s. 9d.*

A Bill was introduced by Mr. Burns on 26th March, 1908, on behalf of the Government, "to amend the law relating to the housing of the working classes, to provide for the making of town-planning schemes, and to make further provision with respect to the appointment and duties of county medical officers of health."

Adoption of Part III.—Section 54 of the Housing of the Working Classes Act, 1890, as amended by s. 2 (3) and the Schedule of the Act of 1900, provides that Part III. of the Act of 1890 may be adopted in the several districts mentioned in the First Schedule to that Act by the local authorities in that behalf in that Schedule mentioned. A description of these districts and authorities will be found on p. 396.

In pursuance of this provision, a simple resolution of the

local authority adopting Part III. will be a sufficient adoption in cases other than rural district councils. As regards these latter authorities, the procedure for the adoption of that part, which may be either for the whole rural district or for any contributory place or places therein, is regulated by s. 2 of the Act of 1900 which makes the adoption subject to the consent of the county council. In giving or withholding their consent, the county council are to have regard to certain considerations set out in the section.

It is not obligatory upon a local authority to notify the adoption of Part III. of the Act of 1890 to the Local Government Board; but it would, no doubt, be useful to that Board to receive an intimation of the fact whenever an adoption takes place. It is accordingly suggested that a copy of the resolution of the local authority adopting this part and, in the case of a rural district council, a copy also of the document conveying the consent of the county council to the adoption should be forwarded to the Board for their information.

A list is given below of local authorities who have adopted Part III., but, while believed to be fairly complete, it must not be regarded as exhaustive :

1. ADMINISTRATIVE COUNTY OF LONDON.

(i) *London County Council.*

(ii) *Borough Councils (14).*

Battersea.	Hammersmith.	Southwark.
Camberwell.	Kensington.	Stepney.
Chelsea.	St. Marylebone.	Westminster.
Deptford.	St. Pancras.	Woolwich.
Hackney.	Shoreditch.	

2. OUTSIDE LONDON.

(i) *Town Councils (66).*

Aberystwyth.	Birkenhead.	Bradford (Yorks.).
Bangor.	Birmingham.	Brighton.
Basingstoke.	Blackburn.	Bristol.
Bath.	Bodmin.	Burton-upon-Trent.

2. OUTSIDE LONDON—*continued*.

Cardiff.	Guildford.	Penzance.
Carnarvon.	Hornsey.	Richmond (Surrey).
Cheltenham.	King's Lynn.	Salford.
Chester.	Lancaster.	Sheffield.
Chesterfield.	Leicester.	Southampton.
Coventry.	Lichfield.	Southend-on-Sea.
Croydon.	Lincoln.	Southwold.
Darwen.	Liverpool.	Stafford.
Denbigh.	Maidstone.	Swansea.
Devizes.	Manchester.	Tamworth.
Devonport.	Marlborough.	Tunbridge Wells.
Dover.	Merthyr Tydfil.	Wallsend.
Dudley.	Morpeth.	West Ham.
Ealing.	Neath.	Wigan.
Eastbourne.	Newport (Mon.).	Wimbledon.
East Ham.	Newcastle-under-	Winchester.
Exeter.	Lyme.	Wolverhampton.
Folkestone.	Newcastle-upon-	Workington.
Gillingham.	Tyne.	

(ii) *Urban District Councils* (60).

Abercarn.	East Grinstead.	Hendon.
Acton.	Edmonton.	Heston and Isle-
Alnwick.	Erith.	worth.
Altrincham.	Esher and the Dit-	Hexham.
Barking Town.	tons.	Houghton-le-Spring.
Barnes.	Farnham.	Levenshulme.
Baslow and Bubnell.	Finchley.	Llandudno.
Bishop Stortford.	Goole.	Lynton.
Bognor.	Gosport and Alver-	Maldens and Coombe.
Brentford.	stoke.	Nantyglo and Blaina.
Brentwood.	Grays Thurrock.	Penge.
Buckfastleigh.	Hampton.	Pontypridd.
Chiswick.	Hanwell.	Rhyl.
Cromer.	Harrow-on-the-Hill.	Risca.
Davlish.	Haydock.	Southgate.

2.—OUTSIDE LONDON—*continued.*

Southwick-on-Wear.	Tottenham.	Wellington (Somer.)
Stanley (Durham).	Tunstall.	Whitley Upper.
Stourbridge.	Twickenham.	Wilmslow.
Stretford.	Wallasey.	Wood Green.
Tanfield.	Watford.	Worsley. .
Teddington.	Wellington (Salop).	Wrotham.

(iii) *Rural District Councils* (10).

Name of Council.	Area for which Part III. was adopted.
Chester-le-Street (a).	Great and Little Unsworth.
East Grinstead	Whole Rural District.
Linton	Parish of Linton.
Maldon	Parish of Bradwell near the sea.
Malpas	Township of Malpas.
Sevenoaks	Parish of Penshurst.
Spalding	Parish of Donington.
Sunderland	{ Parish of Ryhope.
Thingoe	{ Township of Tunstall.
Westbury and Whorwellsdown	Parish of Ixworth.
	Parish of Bratton.

NOTE.—On the 1st January, 1898, there were 657 rural district councils in England and Wales acting for 667 rural districts, 10 districts being administered by councils of other rural districts.

This list shows that Part III. has been adopted by 151 local authorities made up as follows :

1	London county council
14	Metropolitan borough councils
66	Town councils
60	Urban district councils
10	Rural district councils
151	

Expenses of local authorities.—The expenses incurred by a local authority in the execution of Part III. of the Act of 1890 are to be defrayed—

- (i) In the case of an authority in the administrative county of London out of the Dwelling House Improvement Fund under Part I. of the Act;

(a) In July, 1906, the Durham County Council, in pursuance of s. 6 of the Act of 1900, by resolution transferred to themselves the powers of the Rural District Council of Chester-le-Street under Part III. of the Act of 1890, in respect of the parish of Great and Little Unsworth.

- (ii) In the case of a town council or urban district council as part of the general expenses of their execution of the Public Health Acts ; and
- (iii) In the case of a rural district council as special expenses incurred in the execution of the Public Health Acts. It is, however, competent to the county council, on the application of the rural district council, to declare that the expenses of the rural district council shall be defrayed as general expenses in the execution of the Public Health Acts, and, if such expenses are not to be borne by the whole of the rural district, they are to be paid out of a common fund to be raised in manner provided by the Public Health Act, 1875, but as if the contributory places which are to bear those expenses constituted the whole of the district (see s. 65 of Act of 1890 as amended by s. 2 (3) and schedule of Act of 1900).

Prior to the Act of 1900, the expenses of a rural district council in the execution of Part III. of the Act of 1890, were chargeable as special expenses on the whole rural district in the absence of an order of the county council limiting the burden to some contributory place or places only (see ss. 55 (2) and 65 of the Act of 1890; s. 55 (2) was repealed and s. 65 amended by s. 2 (3) and schedule of the Act of 1900).

Application for sanction to loan.—In connection with any proposal by a local authority to borrow money for the provision of working-class dwellings under Part III. of the Housing of the Working Classes Act, 1890, the memorandum of the Local Government Board with respect to the provision and arrangement of dwellings, which is set out on pp. 404—410, should be carefully considered, and the application to the Board for sanction to the loan should be accompanied by:

- (1) A copy of a resolution of the local authority directing the application to be made (a);
- (2) A copy of the resolution of the local authority adopting Part III., and, in the case of a rural district council,

(a) See also "RESOLUTIONS," p. 8.

a copy also of the consent of the county council to the adoption and of any order which may have been made by the county council as to expenses ;

- (3) A map of the district or, in the case of a rural district, the contributory place for which the accommodation is to be provided, distinguishing by colour the position of the site, together with complete plans, sections, and elevations of the proposed buildings (including a block plan showing the arrangement of the houses on the site and the means of drainage) (a) ;
- (4) A certificate by the surveyor of the local authority to the effect that the plans comply in all respects with the byelaws as to new buildings in force in the district. If there are no such byelaws in force, the fact should be stated ;
- (5) A detailed estimate of the cost of the scheme (b) ;
- (6) Information as to whether the site is vested in the local authority and, if so, when and for what purpose it was acquired. If the site is not so vested, it should be stated whether a provisional agreement has been entered into for its purchase ;
- (7) A statement as to the rents proposed, the basis on which they have been fixed, and whether they are approximately the rents paid for similar accommodation in the neighbourhood ; and
- (8) A statement (in the form of a balance sheet) showing all the estimated annual receipts and expenditure in respect of the scheme.

[NOTE.—The expenditure side should include provision for repayment of the loan, rates (if payable by the local authority), taxes, insurance, collection of rents, and maintenance and repairs ; and, if the scheme will not be self-supporting, the statement should show the annual charge on the rates of the district or parish concerned

(a) See also " PLANS," p. 6.

(b) See also " ESTIMATES," p. 4.

which the expected loss will entail. In all cases the assessable value of the district or parish should be given.]

Loans to rural district councils.—According to a reply given by Mr. Gerald Balfour (then President of the Local Government Board) in the House of Commons on March 16th, 1905, to a question addressed to him by Sir Walter Foster, loans had been sanctioned by the Board up to that date to rural district councils (or their predecessors) for the provision of dwellings under Part III. of the Housing of the Working Classes Act as shown in the table below :

Rural District Council.	Parish in which houses are situate.	Amount of Loan.	Number of houses.	Date of sanction.
		£		
Maldon . .	Bradwell near the Sea . .	1250	6	{1903, Sept. 28. 1904, April 22.
	“ “ . .	200		
Sevenoaks . .	Penshurst . .	1800	6	1899, Sept. 28.
	“ “ . .	1850	8	1902, Oct. 9.
Thingoe . .	Ixworth . .	1700	8	1892, Dec. 20.
Westbury and Whorwellsdown	Bratton . .	1000	4	1903, Dec. 3.

Since the above statement was made, the following loans for similar purposes have been sanctioned, viz. in 1905 a loan of £2500 to the rural district council of Malpas for dwellings in the contributory place of Malpas; and in 1906 a loan of £1500 to the rural district council of Linton for dwellings in the contributory place of Linton.

Municipal common lodging-houses.—Lodging-houses of this character have been provided under Part III. of the Act of 1890 by the town councils of Bristol, Darwen, Lancaster, Manchester, Salford, and Southampton.

Appointment of arbitrator.—An application by a local authority to the Local Government Board under s. 7 of the Act of 1900, to appoint an arbitrator to determine the compensation payable in respect of land acquired under Part III. of the Act of 1890, should be accompanied by similar particulars

to those hereinbefore indicated as being required in connection with an application for the appointment of an arbitrator under Part II. of the Act of 1890.

Appropriation of land.—Section 57 (3) of the Act of 1890 enables a local authority other than a rural sanitary authority, with the consent of the Local Government Board, to appropriate for the purposes of Part III. of that Act, lodging-houses and land which may be for the time being vested in them, or at their disposal.

An application by a local authority for the consent of the Local Government Board to the appropriation of lodging-houses or land in pursuance of this enactment should be accompanied by :

- (1) A copy of a resolution of the authority directing the application to be made ;
- (2) Plans, sections, and elevations of any lodging-house proposed to be appropriated (including a block plan showing the drainage arrangements) or, if land is to be appropriated, plans in duplicate (on tracing cloth) of the land ;
- (3) A map of the district distinguishing by colour the position of the lodging-house or land to be appropriated ; and
- (4) Information as to when, under what statutory authority and for what purpose the lodging-houses or land was acquired by the local authority and whether it is no longer needed for that purpose.

Lease of land acquired by local authority.—An application by a local authority (other than a rural district council) for the consent of the Local Government Board to a lease of land under s. 5 of the Act of 1900 should be accompanied by—

- (1) A copy of a resolution of the authority directing the application to be made ;
- (2) Plans in duplicate (on tracing cloth) of the land proposed to be leased (a) ;

(a) See also "PLANS," p. 6, especially the paragraph numbered (11).

- (3) Information as to when, and out of what funds, the land was acquired by the local authority. If purchased by means of a loan sanctioned by the Local Government Board, particulars thereof should be given;
- (4) A draft of the proposed agreement for lease; and
- (5) A statement of the reasons of the authority for leasing the land.

Sale and exchange of lands.—An application by a local authority to the Local Government Board for consent to sell or exchange lands under s. 60 of the Act of 1890 should be accompanied by—

- (1) A copy of a resolution of the authority directing the application to be made;
- (2) Plans in duplicate (on tracing cloth) of the lands proposed to be sold or exchanged, (a) together with a map of the district showing by colour the position of such lands;
- (3) Information as to when and for what precise purpose the land was acquired by the local authority; and, if it was purchased by means of a loan sanctioned by the Local Government Board, particulars thereof should be given;
- (4) A valuation by a valuer independent of the local authority of the lands to be sold or exchanged; and
- (5) Full information as to the proposed terms of sale or exchange, and as to the proposals of the local authority with regard to the acquisition of other land, and the reasons for considering the latter land to be more suitable for the purposes of Part III.

Where a sale of land is effected under s. 60 of the Act of 1890, it would probably be held that the proceeds must be applied in conformity with the provisions of that section, and that the general provision in s. 82 as to disposal of sale proceeds does not apply to a sale under the former enactment.

(a) See note, p. 438.

Sale of lodging-houses.—An application by a local authority (not being a rural authority) to the Local Government Board for consent under s. 64 of the Act of 1890 to the sale of “lodging-houses” which have been determined by the local authority to be unnecessary or too expensive, should be accompanied by—

- (1) A copy of a resolution of the authority determining the dwellings to be unnecessary or too expensive to be kept up and directing application to be made for consent to sell them, together with a statement of the grounds on which the determination is based;
- (2) A map of the district showing by colour the position of the houses proposed to be sold;
- (3) Information as to when the houses were completed and out of what funds they were provided. If provided by means of a loan sanctioned by the Local Government Board, particulars as to the loan and the amount outstanding should be given;
- (4) A valuation of the houses by a valuer independent of the local authority;
- (5) A statement (in the form of a balance sheet), showing all the receipts and expenditure in respect of the houses in question for each of the last three years; and
- (6) Full information as to the proposals of the authority with regard to the sale and the disposal of the sale proceeds.

SCHEMES FOR REHOUSING DISPLACED PERSONS OF THE WORKING CLASSES WHERE LAND IS ACQUIRED UNDER STATUTORY POWERS (OTHER THAN THE HOUSING OF THE WORKING CLASSES ACTS).

Statutory provisions.—Prior to the passing of the Housing of the Working Classes Act, 1903, it was necessary under the Standing Orders of Parliament to embody in every private Bill or Provisional Order which proposed to authorise the

STATUTORY PROVISIONS.

acquisition of houses occupied by persons belonging to the labouring class (as defined by the Standing Orders), a special clause with regard to the taking of such houses. There were two model clauses, known respectively as the long or short clause, the former being inserted where, according to the deposited statements, twenty or more houses in London, or ten or more outside London were to be taken, and the latter where less than these numbers were to be acquired. The long clause required the undertakers to obtain the approval of the central authority to a scheme for providing new dwellings before acquiring twenty or more labouring-class houses in London, and ten or more such houses outside London; while the short clause merely prohibited the taking of these numbers except with the consent of the central authority.

A Joint Select Committee of the House of Lords and House of Commons was appointed in 1902 to consider the Standing Orders relating to this matter, and as a result of their report, ss. 3 and 16 of the Act of 1903 were enacted. The effect was to make the provisions contained in the Schedule to the Act of 1903 apply with respect to the provision of dwelling accommodation for persons of the working class in every case where under powers given after the date of the Act of 1903, by any local Act or Provisional Order or Order having the effect of an Act, any land is acquired whether compulsorily or by agreement by any authority, company, or person, or where after that date any land is acquired compulsorily under any general Act other than the Housing Acts.

The provisions set out in the Schedule to the Act of 1903, were based upon the model clauses previously in use, and enact that if, in the administrative county of London or in any borough or urban district, or in any parish not within a borough or urban district, the undertakers have power to take under the enabling Act working-men's dwellings occupied by thirty or more persons belonging to the working class, the undertakers shall not enter on any such dwellings in that county, borough, urban district, or parish, until the Local Government Board have either approved of a housing scheme

under this schedule or have decided that such a scheme is not necessary.

As already explained (*ante*, p. 395), the Local Government Board is the sole central authority for the purposes of the schedule to the Act of 1903.

The Act of 1903 does not require that the persons displaced shall be rehoused, but only that provision shall be made for the accommodation of such number of persons of the working class, not exceeding the aggregate number displaced, as the Local Government Board consider necessary. The rehousing may be effected elsewhere than on the site to be cleared.

Application for approval of scheme.—The Local Government Board have not issued any printed instructions with respect to the submission for their approval of schemes for providing new dwellings in pursuance of the Schedule to the Act of 1903, but they require the proposals of the local authority or company to be submitted in the form of a draft scheme. The following form, which is based on that handed in to the Joint Select Committee on the Housing of the Working Classes (1902) by Mr. Noel T. Kershaw, an Assistant-Secretary of the Board (see Appendix B to the report of that committee), but which embodies some slight verbal amendments necessitated by the later legislation on the subject, will be found generally suitable for use in this respect.

Form of Draft Scheme.

The Housing of the Working Classes Act, 1903,
and

The _____ Act, 19 .

Whereas under the powers of the _____ Act, 19 , (hereinafter called “the enabling Act,”) the _____ Company (hereinafter called “the Company”) require to purchase or acquire in the urban district of _____, working-men’s dwellings occupied by thirty or more persons belonging to the working class.

Now therefore the Company propose for the approval of the Local Government Board under the Schedule to the Housing of the Working Classes Act, 1903, the housing scheme hereinafter set forth, that is to say—

For the purpose of providing new dwellings for a certain number of persons belonging to the working class, having regard to the number of such persons who were on the 15th day of December, one thousand nine hundred and , or subsequently have been resident in dwellings which have been or will be purchased or acquired by the company in the said urban district, and which dwellings are specified in the schedule hereto.

(1) The Company shall erect on the site shown on the plan attached hereto and thereon coloured red separate dwellings.

(2) The accommodation which each of the said dwellings shall afford shall, as regards its nature and extent, be as follows—

On the ground floor a living room not less than feet inches long, feet inches wide, and feet high, a kitchen not less than feet inches long, feet inches wide, and feet high, a scullery not less than feet inches long, feet inches wide, and feet high, a water-closet, a fuel store, and a larder so constructed and placed as to admit of the interior being at all times kept cool and well ventilated; and

On the first floor bedrooms of which the first shall be not less than feet inches long, feet inches wide, and feet high, the second not less than feet inches long, feet inches wide, and feet high.

NOTE.—The dimensions of every room proposed to be provided should be set out.

(3) The Company shall in and about the erection of the said dwellings comply with the requirements of all public and local Acts and of any byelaws and regulations duly made and in force in the said Urban District.

(4) The Company shall carry out the scheme within twelve calendar months of its approval by the Local Government Board as signified thereon; and the new dwellings to be provided under this scheme shall be completed and fit for

occupation before any of the persons residing in the houses in respect of which the scheme is made are displaced.

IN WITNESS whereof the Company have hereunto caused
their Common Seal to be affixed this day
of 189

SCHEDULE.

[Here specify the dwellings to be taken.]

The Seal of the
Company was hereunto affixed
the day and year last above written
in the presence of

If the company have also taken or propose to take under the powers of their Act working-men's dwellings which they have no present intention of demolishing, the scheme should include a provision to the following effect—

If the Company, within a period of twenty-five years from the date hereof, desire to demolish one or more of the working-men's dwellings specified in the Schedule hereto which they have acquired or have power to acquire under the enabling Act, they shall provide on a site and according to plans to be approved by the Local Government Board such number of new dwellings as in the opinion of the Local Government Board will be required; and, in that case, the Company shall, by a further housing scheme, make such provision as the circumstances and the enactments in the Schedule to the Housing of the Working Classes Act, 1903, may render necessary.

The above form of scheme can be readily adapted to meet the case of a scheme submitted by a local authority.

The draft scheme should be accompanied by—

- (1) A map of the borough, district, or parish (as the case may be), having clearly marked thereon the position of the houses to be acquired and the site proposed for the houses to be erected under the scheme;

- (2) Complete plans and sections of the houses to be erected, including a block plan showing the arrangement of the houses on the site and the means of drainage;
- (3) A statement in duplicate (in tabular form) giving, as regards each of the houses to be acquired :
 - (i) The number of the house on the deposited plans ;
 - (ii) The name of the street and the number of the house therein ; and
 - (iii) The number of persons in each family residing (a) on 15th December next before the passing of the enabling Act, or, in the case of land acquired compulsorily under a general Act, without the authority of an order, next before the date of the application to the Board for their approval of the scheme, and (b) at the present time in the houses to be taken, together with the postal addresses of such persons ;
 - (iv) The statement should also show the nature of the employment of each of the persons then and now residing in the houses and earning a livelihood by any employment, and whether the place of employment was or is within or beyond one mile from the dwelling ;
- (4) Information as to what persons (if any) of the working class have been displaced in the district within the previous five years in view of the acquisition of land by the undertakers ;
- (5) Information as to the rents at present paid by the persons to be displaced and the rents proposed to be charged for the new accommodation ;
- (6) A statement, as respects any vacant houses which the undertakers regard as suitable for the persons to be displaced, giving information as to the situation of such houses, their nearness to the houses to be taken, rents, sanitary condition, state of repair, and number of rooms. This statement should be certified by the surveyor or medical officer of health for the district ; and

- (7) A certificate by the surveyor of the local authority in whose district the new dwellings will be situate that the plans of such dwellings comply in all respects with the byelaws in force in the locality.

Procedure of Local Government Board.—It is the practice of the Board to direct local inquiries to be held by their inspectors in connection with applications for their approval of rehousing schemes or for permission to dispense with such schemes, and to arrange for the holding of these inquiries in the evening so that the occupants of the houses to be taken may have an opportunity of being present. To ensure that such persons have due intimation of the inquiry, the Board also arrange for the service at each house of printed notices of the inquiry, setting forth the nature of the application. Other steps are also taken to make the inquiry known in the district.

If the case is one in which a scheme is not to be dispensed with, the Board, when they have finally settled upon the scheme which they are prepared to approve, require such scheme in its approved form to be engrossed in duplicate, a site plan on tracing cloth being annexed to each engrossment, and both engrossments duly dated, sealed, and attested on behalf of the local authority or company (as the case may be).

The Board require to be furnished at the same time with a copy of a resolution of the local authority undertaking that the scheme shall be carried out strictly in accordance with its conditions and with the provisions of the enabling Act, or, in the case of a company, with a bond as security for the due execution of the scheme. The amount of the bond is usually fixed on the basis of £200 for each new dwelling to be provided. A form of bond is sent to the company with the instructional letter as to engrossment of the accepted scheme.

The following paragraphs, which appear on p. clxi of the 34th annual report of the Board, contain particulars of two important decisions given by the Board during the year 1904 :

“In the case of Sheffield it appeared that the town council
“had, in contravention of the provisions of their local Acts
“with respect to the displacement of persons of the labouring

“class, purchased and demolished many houses occupied by
“persons of that class before obtaining our approval of schemes
“for providing new dwellings, and had thus rendered them-
“selves liable to heavy penalties. After a local inquiry into
“the circumstances we came to the conclusion, though with
“considerable hesitation, that we might abstain from proceed-
“ings for the recovery of the penalties. In arriving at this
“decision, we took into account the fact that many working-
“class dwellings in the city were vacant, but, at the same
“time, we definitely warned the council that if any similar
“irregularity or failure to comply with the statutory require-
“ments occurred in the future they must not expect to be
“treated with similar leniency on our part.

“In one instance a local inquiry was held in reference to
“a representation that owing to local circumstances it was
“unnecessary to build new houses in lieu of those authorised
“to be demolished. The representation related to certain
“operations of the Great Central Railway Company at Sheffield.
“The case was one to which s. 3 of the Housing of the Work-
“ing Classes Act, 1903, and the Schedule to that Act, applied ;
“and accordingly it rested with us to decide whether a housing
“scheme was necessary. Having regard to the vacant suitable
“accommodation in the neighbourhood of the houses to be
“demolished, we came to the conclusion that such a scheme
“was not necessary.”

For further information as to the requirements and practice of the Local Government Board in relation to schemes of this character, attention is directed to the remarks in the annual reports of the Board, and to the very full and explicit evidence on the subject which was given by their assistant secretary, Mr. Kershaw, in 1902, before the Joint Select Committee on the Housing of the Working Classes.

Dispensation with scheme.—The Local Government Board are empowered under s. 3 and para. (1) of the Schedule to the Housing of the Working Classes Act, 1903, to dispense with a scheme of rehousing, if they consider such a scheme is not necessary.

It will, however, be seen from the extract from their thirty-fourth Annual Report, which appears above, that, before

deciding to dispense with a scheme, they require to be satisfied that there is sufficient vacant accommodation of a suitable character in the neighbourhood of the houses to be demolished.

An application by a local authority or company to the Board to dispense with a scheme should be accompanied by such of the particulars (except those relating to the new dwellings to be erected) as are required to be submitted in connection with an application for approval of a scheme for rehousing persons displaced.

Schemes approved by Local Government Board.—Appendix “E” to the report from the Joint Select Committee on the Housing of the Working Classes, to which reference has already been made, contains a statement of the rehousing schemes approved by the Board up to May, 1902, under local authorities and companies Acts. This statement gives particulars as to the year in which each scheme was approved, the place affected, the authority or company concerned, the number of houses taken and provided, and the number of persons of the working classes displaced and rehoused, with remarks on the scheme. Information as to the schemes since approved by the Board will be found in the Board’s annual reports.

CONVERSION OF CORPORATE LAND INTO SITES FOR WORKING MEN’S DWELLINGS UNDER THE MUNICIPAL CORPORATIONS ACT, 1882.

Statutory provision.—Section 111 of the Municipal Corporations Act, 1882, as amended by s. 72 of the Local Government Act, 1888, enables a municipal corporation, with the approval of the Local Government Board, to convert any corporate land into sites for working-men’s dwellings, and for that purpose to make grants or leases for terms of nine hundred and ninety-nine years, or any shorter term, of any parts of the corporate land.

Application for approval of Local Government Board.—An application by a municipal corporation to the Board under the above-cited enactment for approval of the conversion of

corporate land into sites for working-men's dwellings should be embodied in a memorial under the seal of the corporation.

The memorial should be on paper of foolscap size, and should be accompanied by :

- (1) A copy of the notice given in pursuance of s. 236 of the Municipal Corporations Act, 1882, endorsed with a certificate by the Town Clerk, to the effect that the notice has been affixed to the Town Hall for one month prior to the date of the application, and that the application itself has been open to public inspection during that period ;
- (2) A plan in duplicate (on tracing cloth) of the land proposed to be granted or leased (a) ;
- (3) Information as to the period and terms on which the land is to be granted or leased ; and
- (4) A valuation of the land by a valuer independent of the corporation.

Parliamentary and other papers.—The following list includes the more important parliamentary and other papers (b) which have been issued on the subject of the housing of the working classes since 1884 :—

REPORT of an inquiry by Board of Trade into working class rents, housing, and retail prices, together with standard rates of wages prevailing in the principal industrial towns of the United Kingdom. [*Cd.* 3864. 1908. *Price* 6s.]

REPORT AND SPECIAL REPORT FROM SELECT COMMITTEE ON Housing of the Working Classes Acts Amendment Bill, with proceedings, minutes of evidence, and appendix. [*No.* 376. 1906. *Price* 4s. 9d.]

RETURN as to the number of applications received by county councils from district councils to put in force Part III. of the Housing of the Working Classes Act, 1890, and as to the action taken upon such applications; and also the number of cases in which resolutions by parish councils under s. 6 of Act of 1900 had been reported to county councils and as to the action taken upon such resolutions. [*No.* 285. 1906. *Price* 1d.]

(a) See also "PLANS," p. 6, especially the paragraph numbered (11).

(b) As to how such papers may be obtained, see under Part XLVI., "Parliamentary and other Papers."

REPORT FROM JOINT SELECT COMMITTEE of House of Lords and House of Commons to consider Standing Orders relating to houses occupied by persons of the labouring class, and the clauses usually inserted in Private and Local Bills, and Provisional Order Confirmation Bills in pursuance thereof, and to report whether any amendments should be made in such Standing Orders and clauses. With Proceedings, Evidence, Appendix, and Index. [No. 325. 1902. Price 1s. 7d.]

NOTE.—This is the report to which frequent reference is made under the head of “rehousing schemes.”

RETURNS “showing, (1) in respect of the local authorities in England and Wales who have carried out or are carrying out improvement or reconstruction schemes under Parts I. and II. of the Housing of the Working Classes Act, 1890, the size of the area included in each scheme; the number of persons of the working classes who were resident on such area at the date of making the scheme, and the number provided for or to be provided for under the scheme; the nature of the accommodation provided; the amount authorised to be borrowed, and the amount actually borrowed for the purpose of the scheme; the rate of interest thereon; the periods allowed for repayment; the amount of loans outstanding on the 31st March, 1900; the estimated or actual expenditure under the scheme in respect of (a) land, (b) buildings; the income from rents or other sources during the year ended on the 31st day of March, 1900, and the expenditure (other than that defrayed out of borrowed money) during the year in respect of the scheme, the amount expended in repayment of loans and interest thereon being distinguished; and (2) the names of the local authorities in England and Wales who have adopted Part III. of the Act and as regards each of those authorities who have provided or are providing lodging-houses for the working classes under that part of the Act, the number of lodging-houses acquired, erected or

being erected, the number of persons provided for or to be provided for, the amount authorised to be borrowed for the purpose of the purchase of land or the acquisition or erection of lodging-houses and the amount actually borrowed, the rate of interest thereon, the periods allowed for repayment, the amount of loans outstanding on the 31st day of March, 1900; the estimated or actual cost of (a) land, (b) buildings; the income from rents or other sources during the year ended on the 31st day of March, 1900; and the expenditure (other than that out of borrowed money) during the year, the amount expended in repayment of loans and interest thereon being distinguished."—Mr. HAZELL. [No. 320. 1900. Price 2½d.]

RETURN in respect of each urban sanitary district in England of 100,000 inhabitants and each metropolitan parish or district, showing the number of (1) dwelling-houses reported under the Artisans' Dwellings Acts during the years 1883—1888 as unfit for human habitation; (2) those ordered to be repaired or demolished; (3) orders carried out; (4) houses concerning which the Local Government Board has been memorialised, the local authority not having enforced the Acts. [No. 287, 1889.]

BACK TO BACK HOUSES.—Joint report by Dr. Barry and Mr. P. Gordon Smith. (February, 1888.) Price 3s. 6d. (a)

FIRST REPORT OF THE ROYAL COMMISSION for inquiring into the Housing of the Working Classes. With Evidence, Appendix, and Indices. [Cd. 4402. 1884—5.]

NOTE.—The Second and Third Reports related to Scotland and Ireland.

The above reports, etc., with one exception, are Parliamentary papers; those mentioned below are issued by the London County Council (b).

HOUSING QUESTION IN LONDON, 1855—1900. Being an account of the housing work done by the Metropolitan Board of

(a) This is a publication of the Local Government Board, and may be purchased from Messrs. Wyman & Sons, Ltd., Fetter Lane, E.C.

(b) These may be purchased from Messrs. P. S. King & Son, Great Smith Street, Westminster, S.W.

Works and the London County Council; with a summary of the Acts of Parliament under which they have worked. [*Price 9s.; post free, 9s. 5d. No. 503.*]

NEW WORKING-CLASS ACCOMMODATION. — Return showing the addition to labouring-class accommodation provided in the county of London and in the adjacent districts, with number of rooms and tenements, and average weekly rents charged for each tenement and room. [Issued Annually.]

RETURNS showing particulars up to March 31st, 1902, in regard to schemes carried into effect under the Artisans' Dwellings Improvement Acts and the Housing of the Working Classes Acts by the Metropolitan Board of Works and the London County Council; particulars in regard to displacements effected and rehousing accommodation provided. [*Price 1s.; post free, 1s. 2d. No. 596.*]

TABLES giving particulars relating to the Councils' dwellings. [Issued Annually.]

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